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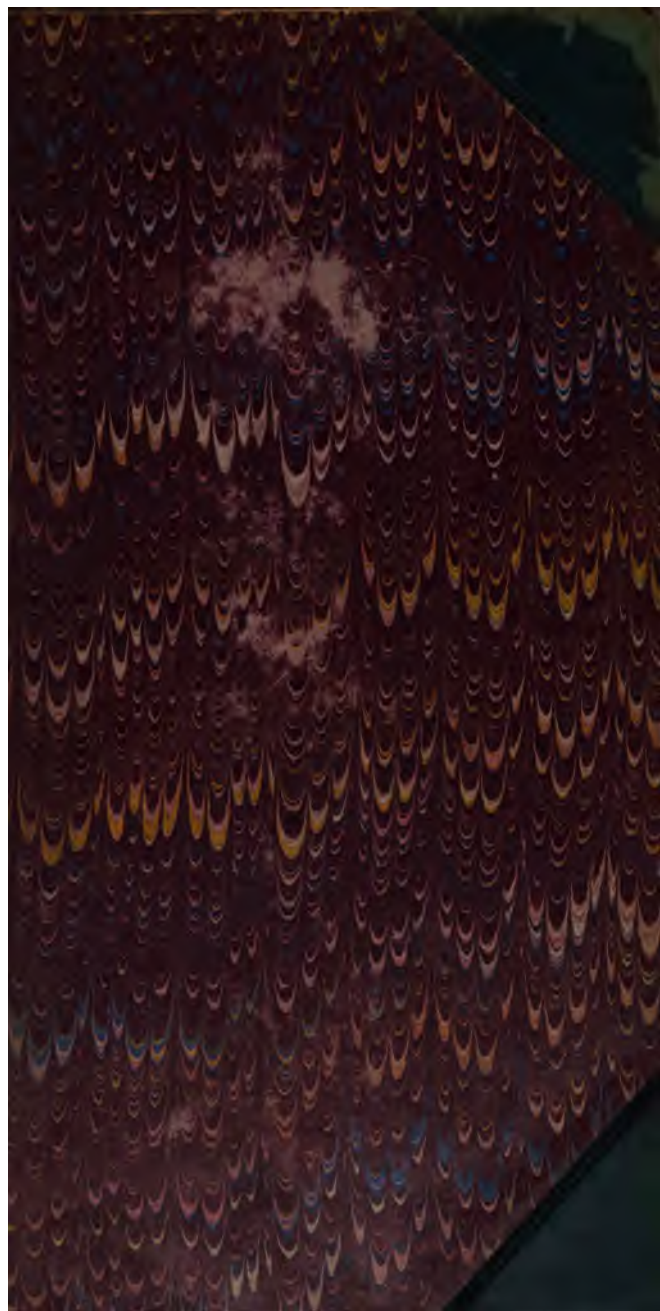
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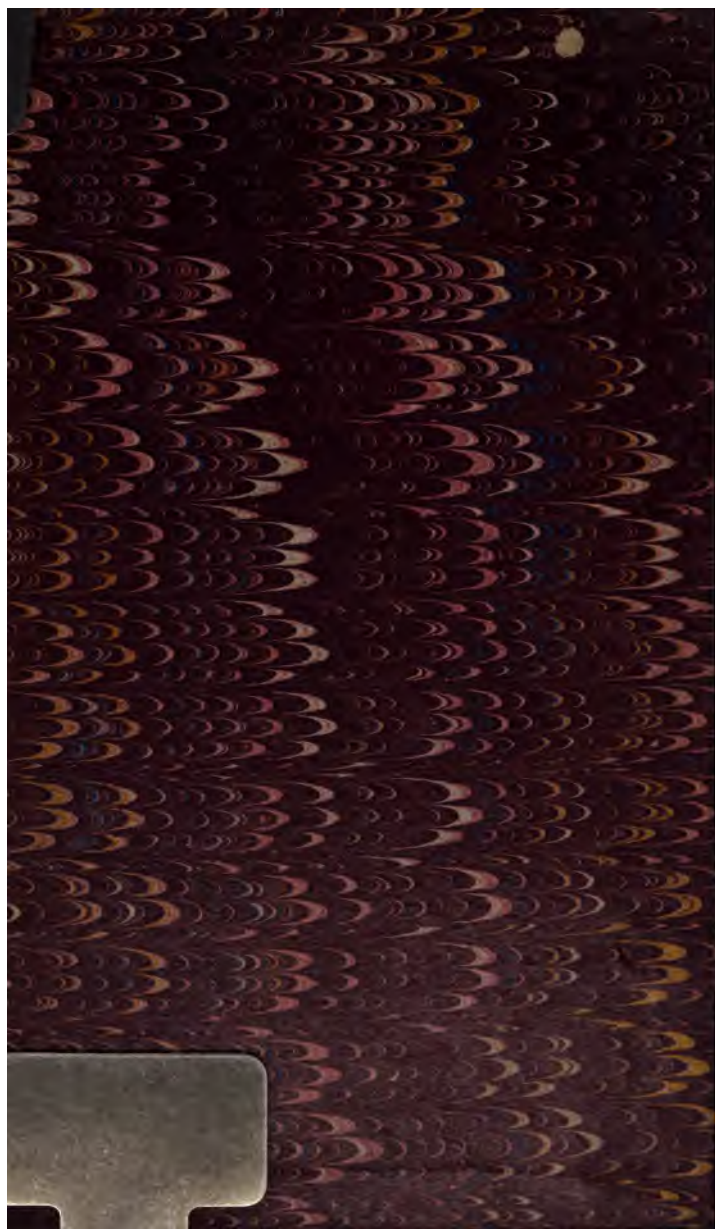
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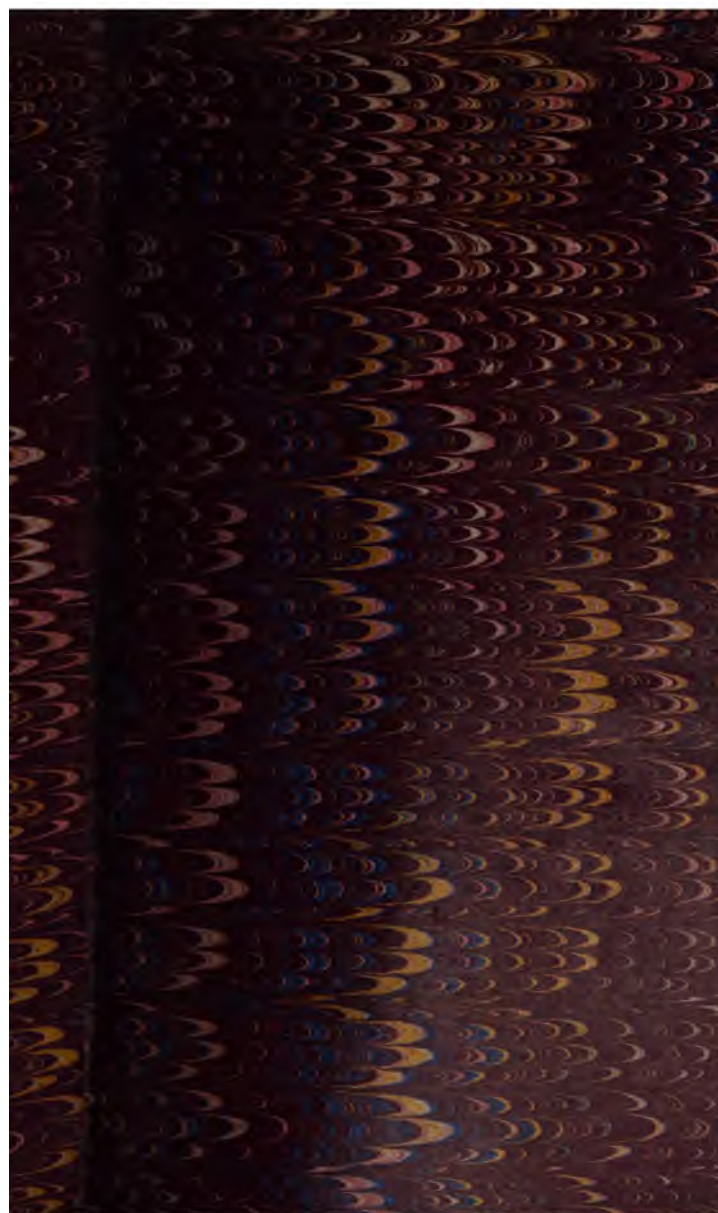
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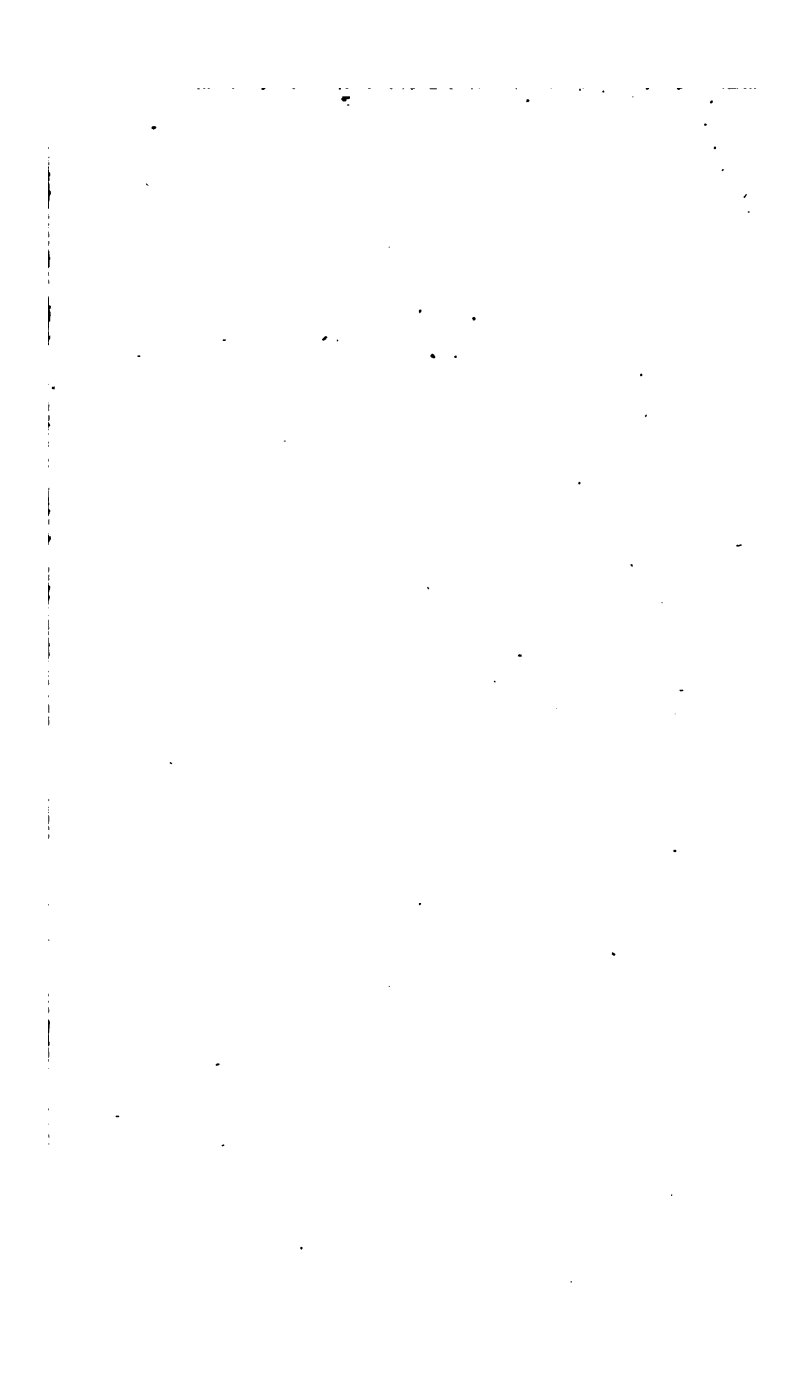
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BY
JOHN LINGARD, D.D.

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FROM THE FIRST

INVASION BY THE ROMANS.

BY

JOHN LINGARD, D.D.

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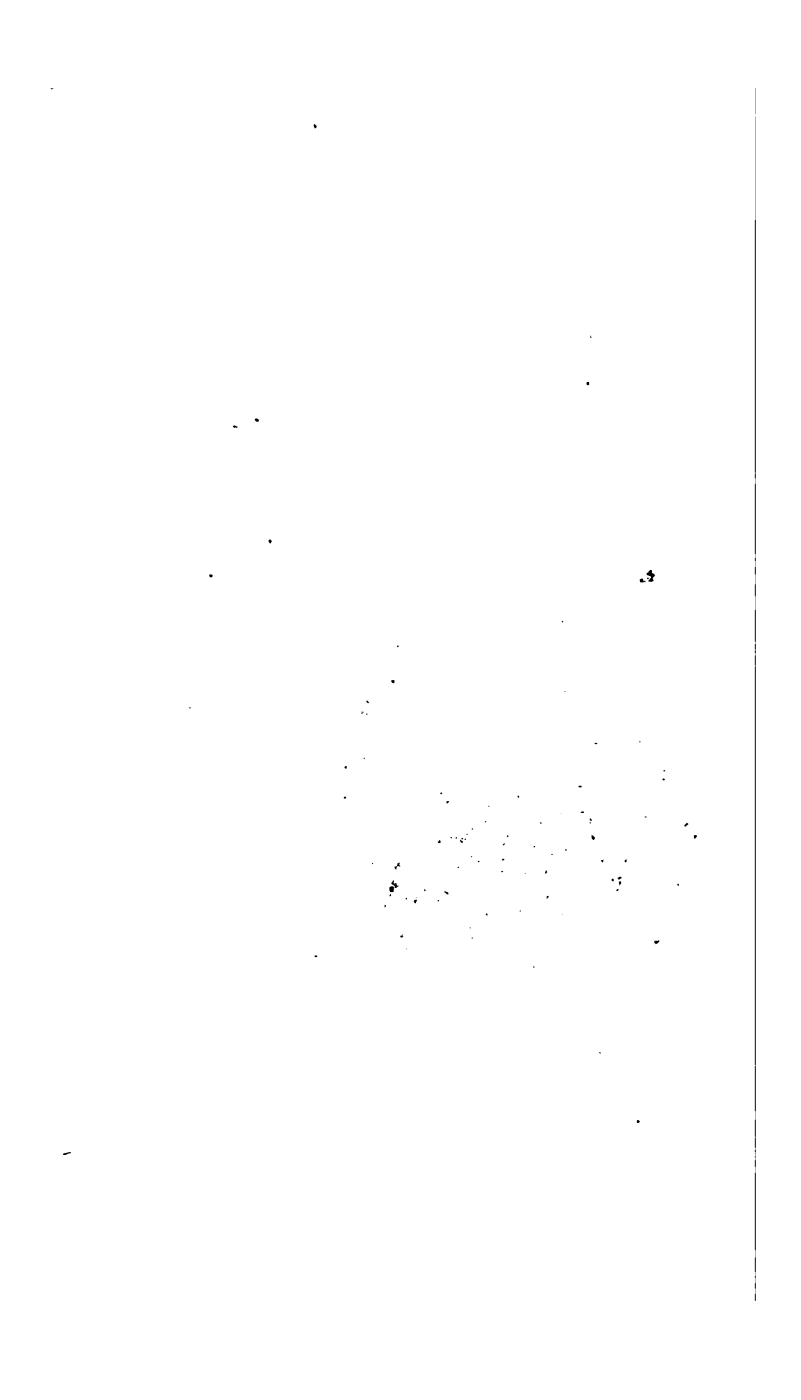
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LINGARD'S HISTORY OF ENGLAND.

CHAPTER I.

JOHN,

SURNAMED *SANSTERRE*, OR *LACKLAND**.

CONTEMPORARY PRINCES:

<i>Emprs. of Ger.</i> Philip 1208 Otho IV.	<i>Kings of Scot.</i> William 1214 Alexander II.	<i>King of France.</i> Philip Augustus.	<i>Kings of Spain.</i> Alphonso IX. 1214. Henry I.
--	--	--	--

Popes:

Innocent III. 1216. Honorius III.

Accession of John—Captivity and death of his nephew—Loss of Normandy, Anjou and Maine—Controversy with Pope Innocent—Interdict—The King's submission—Demands of the Barons—Grant of Magna Charta—Renewal of the civil war—John obtains the support of the Pope—The Barons offer the crown to Louis of France—The King dies.

RICHARD had left no legitimate issue†. In the strict order of hereditary succession, the crown at his death should have devolved to his nephew Arthur, the son of Geoffrey, and Duke of Bretagne, a boy in the twelfth year of his age. Formerly the young prince had been declared heir-apparent: but his mother Constantia by her indiscretion and caprice contrived to alienate the

A.D.
1199.

* This was the usual appellation of younger sons, whose fathers died during their minority. They could not possess fiefs till they were of age to do the services attached to them, which by law was fixed at twenty-one years.

† He had a natural son called Philip, who, the same year, murdered the viscount of Limoges, because he had been the occasion of Richard's death. Hoved. 452.

mind of his uncle, while the aged and politic Eleanor laboured with assiduity to draw closer the bonds of affection between her two sons. Under her guidance, John had almost obliterated the memory of his former treasons, and in reward of his fidelity, had obtained from his brother the restoration of his lands. When Richard lay on his death-bed, John was present: the claim of Arthur, though formerly admitted by the king, was forgotten; and the expiring monarch is said to have declared his brother successor to his throne, and heir to one-third of his property. John immediately received the homage of the knights present, hastened to take possession of Chinon, where Richard had deposited his treasures, and proceeded thence into Touraine, Maine, and Anjou, the ancient patrimony of the Plantagenets*. To his disappointment the natives declared in favour of his nephew Arthur, and were supported in that declaration by the promise of support from the king of France, to whom Constantia had intrusted the person and the interests of her son. John had no time to waste in the reduction of these provinces: but before his departure he wreaked his vengeance on the two capitals, Mans and Angers. Both were sacked: the houses of stone in Mans were demolished, and Angers was given to the flames. From Angers he rode with expedition into Normandy, where his friends had secured every voice in his favour; and at Rouen he received the ducal coronet and sword from the hands of the archbishop.

April 19. In Poitou and Aquitaine he was equally fortunate. In April 25. these provinces, the inheritance of his mother Eleanor, she was still considered as the rightful lady; and the aged queen did not hesitate to transfer to her son by public instruments the homage, fealty, and services of the natives, who submitted without a murmur to the dominion of their new master †.

* Hov. 449. Paris, 164. Ann. Burt. 256.

† See one of those instruments in Rymer, i. 112. John did her homage.

In England, as the reader must already have noticed, not only the form, but much of the spirit of an elective monarchy had been hitherto retained. Since the Conquest five kings had ascended the throne; and four of these rested their principal title on the choice of the people. After the death of Richard, men were divided between the rival claims of John and of Arthur. On the arrival of archbishop Hubert and William Marshal from Normandy, the justiciary, Fitz-Peter, had commanded all freemen to swear allegiance to earl John*: but they were alarmed by the hesitation which seemed to prevail among the prelates and barons, many of whom during the preceding reign had deserved the enmity, or had been enriched by the forfeiture, of that prince. A great council was, therefore, held at Northampton: threats and promises were artfully employed to awaken the fears, and encourage the hopes, of the more reluctant; and at last an unanimous resolution was procured to swear fealty to John, duke of Normandy, on the condition that he should respect the present rights of each individual†. On this intelligence, he repaired to Eng-
land, and was crowned with the usual solemnity at
Westminster. The primate opened the ceremony with
a remarkable speech, intended to justify the exclusion
of Arthur. The crown, he observed, was not the pro-
perty of any particular person. It was the gift of the
nation, which chose, generally from the members of the
reigning family, the prince, who appeared the most
deserving of royalty in the existing circumstances. They

May
25.
May
27.

for the gift, and then restored it to her during her life. It was agreed that neither should make alienations without the consent of the other. See also Rymer, i. 110, 111.

* Our ancient authorities observe the same rule in speaking of John before his accession as they did of Richard. He is earl John till he receives the ducal coronet; then duke John till his coronation, after which he is king John. The coronation took place on May 26, the festival of the ascension; and the years of his reign were reckoned from festival to festival, and not as was supposed till lately, from and to the same day of the month; probably because the king looked on the festival as the fitter day for keeping the anniversary of the ceremony.

† Hoved. 450.

had that day assembled to exercise this important duty, and had chosen for their sovereign John, duke of Normandy, brother of the deceased monarch. To these principles John signified his assent*.

The French kings had long cast a wishful eye towards the provinces possessed by the English monarchs in France. If the ambition of Philip shrunk before the superior prowess of Richard, it expanded again at the accession of his weak and pusillanimous brother. With Arthur in his possession, he determined to fight his own battles, while he pretended to support the cause of an injured orphan; and, having conferred the sword of knighthood on the young prince, he traversed Normandy, burnt Evreux, and placed garrisons in the fortresses of Anjou, Maine, and Touraine. An uninteresting war ensued: the war, at the solicitation of the cardinal Peter of Capua, was suspended by armistice; and the armistice terminated in a peace, which did little honour to either of the two monarchs. Philip sacrificed the interests of Arthur, acknowledged John for the rightful heir to his late brother, and compelled the young prince to do homage to his uncle for the duchy of Bretagne. But the English king had purchased this advantage by the payment of twenty thousand marks as the "relief" for his succession, and by the transfer of the county of Evreux and several valuable fiefs to Louis, the son of Philip, as the marriage portion of his niece

A. D.
1200,
May
22.

* Hoved. 451. Paris, 165. In the preamble, however, to a law which was published a few days later (June 7) at Northampton, he was careful to unite both his titles. God had raised him to the throne, which belonged to him by hereditary right, through the unanimous consent and favour of the clergy and people. New Rym. i. 76. From this law it appears that one mark of gold was equal to ten of silver; which I suspect had been caused by the debasement of the silver coinage with one-eighth of alloy; for, after it had been raised to the ancient standard, the value of gold was again to that of silver, as of nine to one. This appears from the presents which the king made of ancient custom to the chancellor, of two marks of gold at Christmas, one mark at Easter, and one at Whitsuntide, and of one ounce at each of twelve minor festivals; all which are ordered by John to be paid in silver at the rate of nine marks of silver for one of gold. Computatis pro qualibet m. auri novem m. argenti. See Rol. Claus. 13. 34. 35. 85.

Blanche of Castile, who was immediately married to the French prince. That these transactions might be valid, according to the principles of the feudal jurisprudence, a curious farce was enacted. John had never performed that homage, which was requisite to entitle a vassal to the legal possession, and consequently to the power of disposing of his estates. Philip, therefore, though he was already master by conquest of several of the places ceded by the treaty, restored them to the English king; who first did homage and swore fealty to his sovereign lord, and then, being thus lawfully seized of his foreign dominions, transferred the stipulated portions with the proper ceremonies to Philip and Louis. Their former friendship now seemed to revive; and when John visited Paris, the French king resigned his own palace for the accommodation of his brother of England *.

A. D.
1201.
July
1.

Had John possessed the spirit and enterprise of Richard, he might have obtained very different terms from Philip, who at that moment was engaged in a warm and dangerous controversy with the pontiff Innocent III. Several years before, while Richard was in captivity, he had solicited the hand of Ingelburga, the beautiful sister of the king of Denmark. Ingelburga was conducted to Amiens: the ceremony of her marriage was immediately followed by that of her coronation; and the next morning Philip, to the astonishment of the world, required her attendants to convey her back to her brother. On their refusal she was sent to a convent; and a divorce was pronounced by the archbishop of Rheims under the pretence of affinity, as she was cousin to Philip's deceased wife. The king, though his offers were contemptuously rejected by several princesses, at length

A. D.
1200.

* *Hov.* 452. 454. 456. *West.* 264. *Rigord.* 44. *Thresor des Chartres*, p. 3. *Archives de France*, p. 177. Blanche was daughter to John's sister Eleanor, who had borne to her husband Alphonso of Castile three sons and four daughters.—During this year the king published a law at Hastings, asserting his dominion over the British seas, and ordering all foreign ships to strike their topsails to his flag under the penalty of capture and confiscation. *Selden, Mare clausum*, ii. 265.

found a woman who dared to trust to his honour, in Agnes, the daughter of the duke of Moravia. They were married, and continued to cohabit, in defiance of the prohibition of pope Celestine, who had annulled the sentence of the archbishop. To Celestine succeeded Innocent, a pontiff, who, to the vigour of youth and an unsullied purity of character, added the most lofty notions of the papal authority, and a determination to restrain the excesses and immorality of the different princes of christendom. At the request of the king of Denmark he espoused the cause of Ingelburga; and his legate, the cardinal Peter, laid the dominions of Philip under an interdict. This was to punish the innocent for the guilty: but it had the effect of subduing that obstinacy, which had been proof against the considerations of honour and conscience. Unable to enforce disobedience to the interdict, and assailed by the clamours of his subjects, Philip consented to dismiss Agnes, to treat Ingelburga as queen, and to submit to the revision of the original sentence. In the council of Aug. 7. Soissons the beauty and tears of the Danish princess pleaded forcibly in her favour: the objections of her A. D. 1201. Mar. opponents were easily refuted; and the legate had prepared to pronounce judgment, when Philip informed him that he acknowledged the validity of the marriage. Ingelburga derived at the time little benefit from her victory. With the title of queen she was confined in a fortress, and strictly debarred from the society of any but her own women. After some years they were reconciled*.

The failure of Philip in this attempt to sport with the matrimonial contract did not deter John from following his example. Twelve years had elapsed since his marriage with Hadwisa or Johanna, the heiress to the earldom of Gloucester. Interest, not affection, had brought about their union: but her estates, however

* Hoved, 416. 456. 461. 464.

valuable to the earl of Montaigne, were of little consequence to the king of England; and a sentence of divorce on the usual plea of consanguinity was readily granted by the archbishop of Bordeaux. John immediately sent ambassadors to Lisbon to demand the princess of Portugal: but before he could receive an answer, he saw by accident Isabella, daughter to Aymar, count of Angouleme, who had been publicly promised, and privately espoused, to Hugh, count of La Marche. The king was captivated by her beauty: the glare of a crown seduced the faith of the father and his daughter; and the unexpected marriage of Isabella and John deprived the princess of Portugal of a husband, the count de la Marche of a wife. The complaints of the one and the threats of the other were equally disregarded. John conducted his bride in triumph to England, and was crowned with her at Westminster by the Oct. primate. The next year the same ceremony was 8. repeated at Canterbury, on the festival of Easter*.

It is from this inauspicious marriage that we must date the decline of the Plantagenet family. When Isabella was seduced from her husband John was lord of the French coast from the borders of Flanders to the foot of the Pyrenees: in three years he had irrevocably lost the best portion of this valuable territory, the provinces which his predecessors had inherited from William of Normandy, and Fulk of Anjou. The sword of May. the count de la Marche was indeed too feeble to inflict any serious injury. The arrival of John soon restrained his predatory incursions; and a summons to appear

* Hoved. 457. 461. Paris, 168. At this time all the nations of Christendom were thrown into consternation by the commentators on the apocalypse, who do not appear to have been better gifted with the spirit of prophecy than their more recent successors. They taught that at the end of the year 1200 expired the term of 1000 years, during which the devil was to be bound in the bottomless pit (Rev. xx. 1-3); and left it to the imagination of their hearers to conceive the confusion he would cause, and the horrors he would perpetrate, when he should be set at liberty. Quod si diabolus ligatus, says Hoveden, tot et tanta intulerit mala mundo, quot et quanta inferet solutus? Proceamur ergo, &c. Hoved. 465.

with his partisans in the king's court warned him to look round for protection. But he appealed to the justice of Philip, their common lord ; nor was that prince sorry that the tergiversation of John afforded him a pretext for humbling so powerful a vassal. The provisions of the late treaty were instantly forgotten. Philip received the homage of Arthur for Bretagne, Anjou, Maine, and Touraine : the discontented barons hastened to join his banner ; fortress after fortress surrendered to the confederates ; and the heart of John sank in despondency, when an unexpected event arrested the progress of his enemies, and gave him a temporary superiority. Eleanor, the queen mother, was lodged in the castle of Mirabeau in Poitou. Its garrison was as weak as its defences were contemptible ; and the glory of making her a prisoner was allotted to the young Arthur, her grandson. Accompanied by the barons of the province he invested Mirabeau. The gates were easily forced ; but the queen retiring into the tower, refused to capitulate, and found means to acquaint her son with her danger. John, roused from his apathy, flew to her relief, routed the enemy who came out to oppose him, entered the walls together with the fugitives, and after a sharp conflict compelled the survivors to ask for quarter. Among the captives was the young duke of Bretagne, whom he placed under a strong guard in the castle of Falaise. The rest of the prisoners he sent to England ; and Philip, having burnt the city of Tours, returned to Paris*.

This sudden alteration of fortune had placed in the king's hands the fate of his rival. If the voice of hu-

* Paris, 174. West. 264. Twenty-two of the captives were starved to death in Corfe castle. Ann. de Marg. 13. Eleanor herself lived two years longer, and died in 1204. Maillos. 181. For the good of her soul, John, on the Wednesday before Palm Sunday (April 14), ordered all prisoners, with the exception of Jews and prisoners of war, to be set at liberty, but on condition that they should find sureties for their good behaviour in the county court, or abjure the realm within forty days. Men charged with murder were to compound with the family of the murdered, or find bail for their appearance to answer, or return to prison. Rot. Pat. 54.

manity pleaded loudly in favour of a nephew and orphan, an erroneous policy objected the danger of permitting a prince to live, who, as he now claimed, might on some future occasion obtain the crown. It does not, however, appear that John fixed at first on the dreadful expedient of assassination. He visited his captive, exhorted him to desist from his pretensions, and represented the folly of trusting to the friendship of the king of France, the natural enemy of his family. To this admonition the high-spirited youth answered, that he would resign his claim only with his breath; and that the crown of England, together with the French provinces, belonged to himself in right of his father. John retired pensive and discontent; Arthur was transferred to the castle of Rouen, and confined in a dungeon of the new tower. Within a few months he had disappeared. If the manner of his death could have borne investigation, John for his own honour would have made it public. His silence proves that the young prince was murdered. Report ascribed his fate to the dagger of his uncle: but the king of England could surely have hired an assassin without actually dipping his hands in the blood of a nephew*. His niece Eleanor, the sister of Arthur, and commonly called the maid of Bretagne, was sent to England, and placed under rigorous but honourable confinement, that she might not, by marriage with a foreign prince, raise up a new competitor for the succession of her father†.

It is unfortunate that at this interesting crisis we are deserted by the contemporary annalists, who led us through the preceding reigns, and are compelled to rely on the authority of writers, who lived at a later period, and whose broken and doubtful notices cannot furnish

**Subito evanuit, modo fere omnibus ignorato, utinam non ut fama refert invida, Par. 174. Cito post evanuit.—Rex suspectus habebatur ab omnibus, quasi illum manu propria occidisset. West. 264. Feriâ quintâ ante Pascha propria manu interfecit. Ann. de Marg. 13. Will. Brito says he took Arthur into a boat, stabbed him twice with his own hands, and threw the dead body into the river about three miles from the castle. Philipid. l. vi. p. 167.*

† *Chron. Tho. Wik. 26.*

a connected or satisfactory narrative*. After a short pause the whispers of suspicion were converted into a conviction of the king's guilt. The Bretons immediately assembled, swore to be revenged on the murderer, and proceeded to settle the succession to the dukedom. Guy of Thouars entered the meeting, carrying in his arms a child of the name of Alice, his daughter by Constantia, whom he had married after the death of her first husband. The princess was acknowledged without prejudice to the right of Eleanor now in the custody of her sanguinary uncle; and Guy was appointed her guardian, and governor of the duchy. The bishop of Rennes then hastened to Paris to accuse the English king of the murder; and Philip gladly summoned him to prove his innocence in the presence of the French peers. John, however, refused; and the court pronounced judgment, that "whereas John, duke of Normandy, in violation of
 "his oath to Philip his lord, had murdered the son of
 "his elder brother, a homager of the crown of France,
 "and near kinsman to the king, and had perpetrated
 "the crime within the seigniory of France, he was found
 "guilty of felony and treason, and was therefore ad-
 "judged to forfeit all the lands which he held by ho-
 "mage†

To execute this sentence, Philip on the one side, and the Bretons on the other, entered John's dominions. After the reduction of several minor fortresses, it was resolved to besiege Chateau Gaillard, a strong castle

* It is singular that the works of Diceto, Benedict, Geivase, Newbri-gensis, Brompton, and Hoveden, should all end about this period. Paris is the next in time, but at John's accession he was so young, that he can hardly be termed a contemporary writer. He transcribed, indeed, Wendover; but Wendover's account of this period is very imperfect.

† West. 264. Ann. de Marg. 13. During this year the assize of bread was fixed throughout the realm on the principle, that in a quarter of wheat (supposed to weigh 512 pounds, Rudborn, 257), the baker, after deducting every expense, should make a clear profit of three pennies. In 1256 a new assize was fixed from the price of one shilling to 12s. the quarter: and as the profit of the baker was fixed at a lower sum, the weight of the loaf was rather augmented. See Annal. Burt. 365. The baker was to impress his seal on the loaf. Rot. Pat. 41.

built by the late king on a rock hanging over the Seine. Though John was at the head of a numerous army, he seemed ashamed to show his face to the enemy; and the task of relieving the besieged devolved on his general, the earl of Pembroke. A bridge of boats, which had been thrown across the river, effectually prevented the arrival of supplies to the garrison. To break through this obstacle, the earl planned a combined attack by land and water. He reached the French camp in the night at the hour appointed, and by the vigour of his assault threw the whole army into confusion. But the flotilla of seventy small vessels, which had been compelled to row against the wind and the current, arrived only in the morning in time to witness the repulse of the earl; and retired hastily from the threatened attack of a victorious enemy. This was the last effort which the king made in defence of his foreign possessions. If we may believe the accounts which have been transmitted to us, he sought to drown the voice of his conscience in scenes of merriment and debauchery. At Rouen, amidst a gay and voluptuous court, he affected to laugh at the progress of the confederates, and openly boasted that in one day he would teach them to regret the success of a whole year. Thus while his strongest defences were crumbling around him, the infatuated monarch appeared to slumber secure in the lap of pleasure, till the reduction of Radipont, in the vicinity of Rouen, awakened him from his lethargy, and induced him to flee with precipitation to England *.

Dec.
7.

Perhaps, if it were possible to consult some contemporary historian, we might discover the true reason of John's inactivity. He certainly did not acquiesce in his loss with indifference. He complained loudly of the perfidy of his opponents; he reclaimed the intervention of the pope, to compel Philip by ecclesiastical censures to observe his oaths †; and he raised forces and money both

* Paris, 175. West. 265.

† Innocent entered warmly into the cause, and appointed the arch-

in England and Ireland to carry on the war. Probably neither his foreign nor English barons were true to his interests. Many of the former he punished by the forfeiture of their lands in England, and of the latter by exacting from them a seventh of their income and movables. Yet when he had collected a numerous army at Portsmouth, they unanimously informed him by the mouth of archbishop Hubert that they would not embark *.

Apr.

At length, after a siege of several months, and when the garrison had been reduced by the casualties of war, and the ravages of famine, to less than two hundred

bishop of Bourges, and the abbot of Casamaggiore his legates to decide the controversy between the two kings. But what right had he to interfere in this authoritative manner? The reader shall learn from one of his letters, which shows, more plainly than any speculations of modern writers, the real ground on which the popes assumed their pretended authority in temporal matters.—He first transcribes the following passage from the gospel: "If thy brother trespass against thee, go and tell him his fault between him and thee alone.....and if he will not hear thee, then take with thee one or two more.....and if he shall neglect to hear them, tell it unto the church: but if he neglect to hear the church, let him be unto thee as an heathen man, and a publican." Matt. xviii. 15-17. "Now," he proceeds, "the king of England maintains that the king of France by enforcing the execution of an unjust sentence, has trespassed against him. He has therefore admonished him of his fault in the manner prescribed by the gospel; and meeting with no redress, has, according to the direction of the same gospel, appealed to the church. How then can we, whom divine providence has placed at the head of the church, refuse to obey the divine command? How can we hesitate to proceed according to the form pointed out by Christ himself?... We do not arrogate to ourselves the right of judgment as to the fee; that belongs to the king of France. But we have a right to judge respecting the sin; and that right it is our duty to exercise against the offender, be he who he may... By the imperial law it has been provided, that if one of two litigant parties prefer the judgment of the apostolic see to that of the civil magistrate (Apud Grat. caus. ii. 9. l. can. 35), the other shall be bound to submit to such judgment. But if we mention this, it is not that we found our jurisdiction on any civil authority. God has made it our duty to reprehend the man who falls into mortal sin, and if he neglect our reprehension, to compel him to amend by ecclesiastical censures. Moreover, both kings have sworn to observe the late treaty of peace; and yet Philip has broken that treaty. The cognizance of perjury is universally allowed to belong to the ecclesiastical courts. On this account, therefore, we have also a right to call the parties before our tribunal" Cap. Novit. 13. de judiciis. The importance of this extract must plead for its length. It is needless to add, that the pope's reasons did not convince the king, or the clergy of France, and that the mission of the two legates was totally useless.

* Paris, 175, 176. West. 265.

men, the gallant Roger de Lacy surrendered Chateau Gaillard to the king of France. Falaise, a place equally strong, and the bulwark of lower Normandy, was given up by the treachery of Lupercaire the governor, who with his mercenaries entered into the service of Philip. Still the citizens of Rouen, Arques, and Verneuil, animated by an hereditary hatred of the French, resolved to oppose the invaders; concluded a league for their common defence; and implored by messengers the aid of the king of England. Rouen was soon invested: a refusal of assistance from John threw the citizens into despair; and an offer of conditional submission was made to the French king. It was stipulated that unless a peace should be concluded, or the enemy be driven from the walls within thirty days, Philip should be admitted as immediate lord of Rouen, and the citizens should continue to enjoy their accustomed immunities. Arques and Verneuil accepted the same terms; and, in like manner, opened their gates on the appointed day. Anjou, Maine, and Touraine followed the example of Normandy; and thus by the guilt, or indolence, or bad fortune of John were these extensive and opulent provinces re-annexed to the French crown after a separation of two hundred and ninety-two years*.

But, if John had neglected to preserve, he seemed resolved to recover, his transmarine dominions. In a great council at Winchester it was proposed and resolved, that every tenth knight in the kingdom should accompany

* Paris, 178. West. 265-6. The coins in circulation contained one-eighth of alloy, and much of it had been filed or clipt. In a council held in October of this year, it was determined to issue a new coinage after Christmas of lawful weight and purity, (money of "Vintenor,") which should have the impression of a circle round the rim to prevent the practice of clipping. Four men were to be appointed to examine the money offered in each market. If it had been clipt, they were to bore it, and return it to the owner, should he be an esquire, or farmer, or countryman; but to retain it for the king, and cast the owner into prison, if a burges or a Jew. The old money was not to pass at all, unless it were offered by a foreign merchant, or a goldsmith of the Jewish persuasion, and then only in exchange for clothes and provisions. The punishment for reblanching the old coin was forfeiture of the money, and an amercement to the king. Rot. Pat. 47. 54. Leg. Sax. 359, 360.

the king, and serve in Poitou at the expense of the other nine*. But though a fleet was prepared, though the day of embarkation was fixed and postponed, though John proceeded to Portsmouth, and actually put to sea, yet so weak was the force which he could muster that he returned to land, and abandoned the attempt. For this disappointment he consoled himself during the summer by levying fines on the defaulters; and the next year, having secured the co-operation of Guy, vicomte de Thouars, he crossed the channel with a gallant army, and landed at La Rochelle. The castle of Montauban was invested; and John was soon able to boast that he had reduced in a few days a fortress which Charlemagne had not taken in seven years. He proceeded to Angers, and once more burnt that unfortunate city. But from this state of exertion his mind relapsed into its usual irresolution and apathy. He raised the siege of Nantes to offer battle to Philip: when the armies came within sight, he proposed a negotiation; and as soon as the negotiation was opened, slunk away with his army to La Rochelle. Philip affected to resent the transaction: but at the earnest solicitation of the pope's legate consented to an armistice for two years†. John returned to England, and obtained, or levied by force, a thirteenth for the defence of the rights of the church, and the recovery of his inheritance; but his brother Geoffrey, archbishop of York, refused to submit, excommunicated the king's officers, and fled beyond the sea‡.

This unfortunate contest with the French king was followed by another with the Roman pontiff, differing indeed in its object, but equally disgraceful in its result.

* This council is said to have been *archiepisporum, episcoporum, baronum, et omnium fidelium nostrorum*. Each knight was to receive two shillings per day. If an enemy landed on the coast, every man capable of bearing arms was to join the army under pain of forfeiting, if he had lands, those lands for ever, and, if he had not, of becoming with all his posterity a slave for ever, and paying a yearly poll-tax of four pence. Rot. Pet. 55.

† Paris, 180. West. 267. Rym. i. 141.

‡ Paris, 212. Duna. 50. Rot. Pat. 71. bis.

The reader has seen that our kings at their coronation promised upon oath to maintain the immunities of the church, among which was numbered the right claimed by the chapters of choosing their prelates. It was a right, however, which the prince viewed with jealousy, and which he invaded without difficulty. The bishoprics offered the cheapest means of remunerating the clergymen in his service; and, as the baronies annexed to them gave their possessors considerable influence in the state, his interest demanded that they should not be bestowed on his enemies. Hence, while he permitted the form of election to exist, he was in general careful to retain the real nomination in his own power. It was required that the choice of the chapter should be preceded by the royal license, which afforded the king the opportunity of recommendation; and that it should be followed by the presentment of the bishop elect for his approval, which allowed him in reality the exercise of a veto. Thus far, however, the practice in England was conformable to the practice of most Christian countries: in one point it differed from that of all others. Several of the cathedral churches had been originally settled in monasteries, and still continued to be served by monks, who claimed and exercised all the rights of the chapters: a singular and incongruous institution, since it referred the choice of the bishops to men who, by their utter seclusion from the world, were the least calculated to appreciate the merits of the candidates, or to judge of the qualifications requisite for the office.

With respect to the other sees this interference of the monks was perhaps of minor importance: but the archbishop of Canterbury enjoyed so elevated a station in church and state, that his election interested both the king and the prelates. The latter, grounding their pretensions on the more ancient discipline, claimed a right, if not of exclusive, at least of concurrent, election: but that right was fiercely denied by the monks of Christ-

church, whose priors, on more than one occasion protested that they would rather lose their lives than acquiesce in the violation of the most glorious of their privileges. At the death of each archbishop the contest was renewed; and both parties had recourse to every expedient which policy could suggest. The king always confederated with the prelates; but the monks fought their own battle with spirit and perseverance. To subdue their obstinacy, threats and promises and flattery were employed: that they might be weakened by separation, the place of election was often fixed at a distance, where the right could be exercised by a few only in the name of the whole body; and the object of their choice, unless he were the person recommended by the king, and elected by the bishops, was uniformly refused. Still, though they might ultimately be compelled to yield, they always yielded in such a manner, as not to acknowledge, by their acquiescence, the exercise of the right claimed by the prelates*. These preliminary notices were requisite, that the reader may fully understand the nature of the controversy which will follow.

A. D.
1205. As soon as the death of archbishop Hubert was known,
July the junior part of the monks assembled clandestinely in
13. the night, and placed Reginald, their sub-prior, on the archiepiscopal throne. To this election they were aware that a strong opposition would be made. They had not asked the royal license; and had proceeded without the concurrence of the episcopal body. Their only hope of success depended on the approbation of the apostolic see. Reginald was accordingly sent to Rome; but the motive of his journey was anxiously concealed; and an oath was exacted that he would not divulge the secret till he had sounded the mind of the pontiff. But the vanity of the monk subdued his prudence; and he was no sooner out of the English territory than he as-

* See the elections of Theobald (Gervase, 1348), of St. Thomas (Id. 1382), of Richard (Id. 1423. 1425), of Baldwin (Id. 1304. 1306. 1463—1474), and of Hubert (Id. 1533, 1584).

sumed the title of archbishop elect. The wiser part of the brotherhood, foreseeing the difficulties into which they would be precipitated by this rash and informal act, resolved to disregard the choice which had been made of Reginald, as invalid; and asked the requisite permission to proceed to an open and legitimate election. As soon as it arrived, they chose, according to the royal recommendation, John de Gray, bishop of Norwich. He was enthroned in the king's presence, and immediately received from John possession of the archbishopric. A deputation of twelve monks was sent to support his cause in the court of Rome*.

The first care of Innocent on their arrival was to decide the controversy between the monks and the bishops. In favour of the latter it was urged, that according to the ancient discipline the metropolitan ought to be chosen by the bishops of the province, and that since the freedom of canonical election had been restored by Henry I., they had always concurred in the choice of the primate. The monks replied, that the innovations which had been made under the Norman dynasty were founded on force, and not on right: that during the four preceding centuries the election of the archbishop had been the exclusive privilege of their body; and that to reject their claim would be to condemn the fathers of the English church, and to annul the decisions of former pontiffs. After a long and patient hearing, the consistory was of opinion, that a privilege built on the prescription of ages ought to be respected; and Innocent pronounced a definitive sentence in favour of the monks †.

The claims of the two pretenders to the primacy were next examined, and the result was equally unfavourable to both. The election of Reginald was annulled, because it was contrary to the canonical form: that of the bishop of Norwich, because it was made before the nullity of the former had been definitively pronounced.

* Paris, 178, 179. West. 266.
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† Paris, 180. West. 266.
C

This decision, which was in conformity with the jurisprudence of the age, had been foreseen; and the king had granted the deputies, before their departure, the permission to proceed to a new election, but at the same time had bound them on oath to choose John de Gray. It unfortunately happened that the pontiff had strong objections to his promotion. John was the confidential adviser of the monarch, one of his justiciaries, and so occupied with the administration of temporal affairs, that he had little leisure to attend to the spiritual government of his diocese. This was indeed an abuse, which had long prevailed in the English church, and had been severely condemned by several pontiffs. Innocent himself had compelled Hubert, the last primate, to retire from the government of the kingdom to the care of his diocese; nor could he now, without inconsistency, allow another minister to be placed on the archiepiscopal throne. Three thousand marks were offered to purchase his acquiescence; but he spurned the bribe with indignation, and adhered inflexibly to his purpose.

There was at this time at Rome an Englishman of eminence, by name Stephen de Langton. He had taught with applause in the schools of Paris; and his merit had been rewarded with the chancellorship of that university, and with church preferment in England. His reputation had recommended him to Innocent, who invited him to Rome, and honoured him with the purple. It was on Langton that the pope fixed his eyes as a proper person for the future archbishop; and it is plain that in making the selection he was actuated by the purest motive, that of placing at the head of the English church a prelate of indisputable science and virtue. He had even reason to flatter himself that the choice would not be disagreeable to John, who had frequently written to the cardinal in terms of the highest esteem. To obviate, however, all probable objections, he not only sent to request the king's permission that

the monks might make the election at Rome, but when Stephen had been elected, despatched other envoys to solicit his approbation of the prelate elect. His letters, however, were detained at Dover; no answer was returned; and the cardinal, after a decent but fruitless delay, was consecrated at Viterbo by Innocent himself. It may have been imprudent and indecorous to force a prelate on the king without waiting for his consent; but it must be confessed that the whole proceeding was conducted according to the canons which at the time obtained the force of law, and with more attention to John's honour than many sovereigns experienced at the court of Rome*.

The bishop of Norwich, however, was unwilling to resign the object of his ambition, and by his interested councils plunged his master into a contest, to which, in his present depressed state, he was evidently unequal. No sooner was the consecration of Langton announced than John wreaked his vengeance on the monks. They had been the cause of his disappointment, first by their furtive election of Reginald, and secondly by their perfidious choice of Langton. A body of armed men drove them from their convent, compelled them to cross the sea, and took possession of their lands for the crown. Innocent by soothing letters endeavoured to mollify the king's resentment. He expatiated on the virtues and talents of the new primate; claimed the praise of moderation for having waived his own right; solicited the assent and approbation of the king; and promised, if John would acquiesce, to take care that the past transaction should not be converted into a precedent injurious to the prerogatives of the English crown. But the obstinacy of the monarch was not to be softened: he replied in terms of hostility and defiance; and avowed his determination that Langton should never set his foot in England in the character of primate.

* Paris, 187. 189. West. 267, 268. Langton's title was cardinal of St. Chrysogonus.

A. D. 1208. The die was now cast, and the quarrel became a trial of strength between the power of the king and that of the pontiff. The latter resolved to proceed step by step and began by laying the whole kingdom under an interdict; a singular form of punishment, by which the person of the king was spared, and his subjects, the unoffending parties, were made to suffer. The interdict was scarcely known in the earlier ages. Some faint traces of it may be discovered about the year 500, when it was denominated the *ban* of God, or the *ban* Christian; but it was not before the eleventh century that its use became frequent, or that its nature and effects were accurately defined. When, after the death of Charlemagne, the different nations of Europe groaned under the oppression of warlike nobles, whose rapacity respected neither the sanctity of the altar, nor the rights of humanity, the clergy, to restrain the ferocity of these numerous tyrants, had recourse to every expedient which religion could furnish, or ingenuity could suggest. In a synod held at Limoges on one of these occasions, the abbot Odolric proposed to make trial of an interdict. "Till the nobles," said he, "cease from their ravages, do you forbid the celebration of mass, the solemnities of marriage, and the burial of the dead. Let the churches be stripped of their ornaments, and the faithful observe the abstinence of Lent." The advice was followed: the detestation of the people, who were thus deprived of the exercise of their religion, confounded and alarmed their oppressors; and the success of the experiment recommended the interdict to the clergy as the most powerful obstacle which they could oppose to the violence of their enemies*.

Innocent had intrusted the publication of the interdict to the bishops of London, Ely, and Worcester. By them the day was fixed on which it was to take place,

* Greg. Tar. Hist. viii. 31. Con. Gen. ix. 902. Ivo of Chartres calls it *remedium insolitum*. Ep. 34.

the Monday in the second week before Easter : by John orders had been issued to his officers in each county to seize for his use the property of every man by whom it should be obeyed. The three prelates waited on the king, exposed to him the consequences of his obstinacy, and conjured him on their knees to admit the new archbishop. Though he had seen a greater prince than himself, the king of France, reduced to submission by the terrors of an interdict, he was inexorable ; he interrupted them with oaths and insults ; he affected to laugh at the resentment of the pontiff ; he poured out the most cruel menaces against the clergy in general, and drove the bishops ignominiously from his presence. The appointed day came, and instantly the churches Mar. 23. were closed : no bell was tolled ; no service was solemnly performed ; the administration of the sacraments, except to infants and the dying, was suspended ; and the bodies of the dead were interred silently and in unconsecrated ground *. This sudden extinction of the forms and aids of religion struck the people with horror. John, amidst the general gloom, wore an air of serenity, and even of cheerfulness. Reckless of the future, he indulged for the moment in the gratification of revenge. The three prelates were soon beyond his reach on the continent† : but he apprehended their relatives, and threw them as criminals into prison ; and made the clergy, both secular and regular, who obeyed the papal mandate, feel that they were dependent on his mercy. At first he would listen to no solicitations in their favour : " they might," he said, " quit the kingdom, and " seek redress or compensation from the justice or the Apr 6. " pity of the pontiff." But after a few days he began to

* Sermons were preached on the Sundays in the churchyard : marriages and churchings took place in the porch of the church. Duns. 51.

† Two of them, London and Ely, obtained permission to speak to him under a safe conduct for four days. Rot. Claus. 108, Mar. 30. The only bishop who dared to remain in England was the king's favourite, the bishop of Winchester. The bishop of Norwich had been sent as lord deputy to Ireland. Duns. 52.

relent. He ordered his officers to allow them "a reasonable support" out of their income*; and, unwilling that any one should injure them but himself, announced Apr. 11. by proclamation, that whosoever, by word or deed, dared to abuse any of the clergy, "should be hanged forth-
"with on the nearest oak†."

For some years John affected to despise the consequences of the interdict, and the menaces of the pontiff; and his cause derived a temporary lustre from the success of his pretensions of superiority over the Scottish king, and of his military operations in Ireland and Wales. 1. Though William of Scotland had purchased from the poverty of Richard a release from the galling yoke imposed upon him by the treaty of Valognes, still the kings of the two nations stood in their former position relatively to each other, and John was careful soon after his coronation to summon the Scottish prince to do him homage at York. William demurred: John was called from York to Normandy, and the question of homage remained in suspense until his return. Then A. D. 1200. the two princes met at Lincoln; and William, on an eminence near the city, in presence of the English and Nov. 22. Scottish barons, and of an immense concourse of people, did homage to John, swore fealty to him on the cross

* *Rationabile estuverium*: that was, two dishes a day for a monk, and as much as should be judged necessary by four sworn men of the pariah for a secular clergyman. Rot. Claus. 109, Apr. 6. 111. Apr. 13.

† John's proclamations were short and intelligible. *Si quem attingere possumus, ad proximum quercum eum suspendi faciemus*. Apr. 11. New Rym. 101. Rot. Claus. 111. From numerous entries on the Close Rolls it appears that the lands of all the clergy, with the exception of a few of the royal favourites, and of the Cistercian order of monks, were taken into the king's hands. The Cistercians escaped at first, because, under pretence of some exclusive privilege, they did not observe the interdict, but afterwards they submitted to it like the rest. The king kept most of the lands for his own profit; but he gave to his barons the custody of such churches and monasteries as had been founded by their families, or to which they held the right of presentation, and generally with this condition, that they should answer for the profits, *if called upon*. In like manner several abbots, priors, and clergymen obtained, probably by purchase, the custody of their own property on the same condition. With many, however, he appears to have been very severe, selling all the cattle off their lands, under the pretext of debts to the crown, either real or fictitious. See the Close Rolls, 107. 115. Paris, 190. West. 268. Duns. 51.

of archbishop Hubert, and tendered to him a charter, by which he engaged not to marry his son Alexander, the liege man of John, without the assent of his lord, and bound himself and his son to keep faith and fealty to the son and heir of John, as to their liege lord, against all manner of men *. He then rose, and, as heir to his grandfather David, demanded the three counties of Northumberland, Cumberland, and Westmoreland; counties which that prince had seized during the wars between Stephen and Matilda. But this was more than John was disposed to concede; and he eluded the claim by promising to take it into consideration, and to return an answer at his leisure. The two princes separated, friends in appearance, but enemies at heart, and nine years of doubtful tranquillity followed, during which the king of Scots was twice at least summoned, and twice consented to meet his liege lord at York†. But the jealousy of the English monarch was not to be lulled; understanding that William had privately promised one of his daughters in marriage to the earl of Boulogne, he called on the Scottish prince to come and answer for his presumption, and, having received the usual excuse of ill health, advanced in hostile array as far as Norham. William deemed it prudent to appease the lion, whose anger he had provoked. He delivered both his daughters into the hands of John to be kept in England, and to be disposed of in marriage at the pleasure of the

A. D.
1206.
Feb.
10.
1207.
May
29.

A. D.
1209.
Aug.
7.

* Regi Johanni homagium fecit, et super cruce[m] Huberti archiepiscopi fidelitatem de pace sibi et regno, servanda, solemniter juravit, et eidem regi Johanni tanquam domino suo per cartam suam concessit, quod Alexandrum filium suum sicut hominem legium ipsius regis Johannis per assensum suum maritaret, promittendo firmiter in eadem carta, quod idem Willielmus rex Scotorum, et Alexander filius suus filio et heredi regis Johannis tanquam legio domino suo contra omnes homines fidem et fidelitatem tenerent. Brompt. 1283. Hoveden (461) adds the usual clause, salvo jure suo, whether by it be meant his rights as specified in the charter of Richard (see vol. ii. 448), or his claim to lands in England. That this homage was considered by John and his son as liege homage for the Scottish crown appears from the letter of Henry III. to the pontiff. Rym. i. 334-5.

† See Rot. Pat. Johan. 56. 69. 76. Rot. Claus. 43. 86. 90.

king: to purchase the good will of his lord, and his consent to certain covenants, he bound himself to pay fifteen thousand marks in five years by equal instalments; and as security for the faithful performance of these engagements, left in the hands of John several hostages selected from the first families of Scotland*. Three years, however, did not elapse before the suspicion of the English monarch was revived, and William A. D. found himself compelled to bring his son and heir, 1212. Alexander, to the court of his lord; where the father surrendered to John the right of marrying the young prince to whomsoever he pleased, but without disparagement, and within the course of six years; and both father and son entered into a solemn engagement to hold to Henry, the son and heir of John, against all men living, if that prince should chance to survive his father. By these concessions a full reconciliation was effected, and the young Alexander received at Clerken- Mar. well the honour of knighthood from the hands of his 4. liege lord†. Assuredly the superiority so proudly assumed on all these occasions by the English, and so tamely admitted by the Scottish monarch, must have been founded on a broader basis than that assigned by certain writers, the possession of a few scattered manors in the northern counties of England‡.

2. From Scotland the king directed his attention to the concerns of the sister island. From despatches to the justiciary Meyler Fitz-Henry, it appears that Cathal or Charles O'Connor, king of Connaught, by Dermot his

* The money was paid *pro habenda benevolentia ejusdem domini nostri*. Rym. i. 155. ii. 564. 886. Rot. Pat. 91. Ann. Marg. 14. Heming 556. Par. 191. William's daughters were named Marjory and Isabel. Of them, their annuity of £40 from the king, their clothes, and other necessities provided at his expense, we have frequent mention in the Close Rolls, 139. 144. 145. 157; and in the Mise Roll of the 14th of John, 236—269. We find them generally in the company of the queen and the maid of Bretagne. In the next reign they were married, one to de Burgh the justiciary, the other to the earl Marshal.

† New Rym. i. 104. Mise Roll, 232.

‡ See vindication of the ancient independence of Scotland, 1833, in which this is assigned as the real cause.

envoy, had offered to hold his kingdom of John by the annual payment of one hundred marks for one-third part of his barony, and of three hundred marks for the remaining two parts*. With the issue of the negotiation we are not acquainted: but that which principally required the interference of the king, was the lawless conduct of the English chieftains, who disobeyed his orders, and levied war on each other. With a powerful army he landed in Ireland, and proceeded to Dublin, where twenty of the native princes hastened to do him homage. From Dublin he marched into Meath: the castles of the refractory barons were reduced; and the Lacies with their associates precipitately quitted the island. John divided the English province into counties, established the observance of the English laws among the settlers, ordered the same monies to pass equally in both countries, intrusted the government to his favourite, the bishop of Norwich, and after an absence of twelve weeks returned with expedition to England†. The next year led him at the head of an army into Wales. At the foot of Snowdon he dictated to Llewellyn the terms of submission, and eight-and-twenty hostages, young men of noble families, were accepted as sufficient security for the future tranquillity of the marches. A year, however, did not pass before the Welsh renewed their inroads with their accustomed barbarities. John in his resentment ordered the hostages to be hanged, and summoned a numerous army to meet him at Chester‡. He was already on his way to join it when he received intimation of a conspiracy among his barons to make themselves masters of his person. He hastened to Nottingham, despatched messengers to disband the army, and compelled the barons, the objects of his suspicion, to surrender the custody of their castles to his

* Apud Brady, ii. App. 165.

† Paris, 193. Ann. Marg. 14. Heming. 556. Ann. Hibern. apud Camd. Ann. 1210.

‡ Paris, 193, 194. Ann. Marg. 15.

officers, many of whom were foreigners, or to deliver to him their sons and daughters, their brothers and sisters, as hostages for their fidelity*.

Yet, while the king thus triumphed over his enemies, both foreigners and natives, he still looked with solicitude to the termination of his quarrel with Innocent, and laboured to ward off the blow which he well knew was meditated against him. With this view he often commenced a negotiation with Langton, or the papal envoys; and as often, with his usual versatility, refused to perform what he had promised. On other points all parties seemed to agree: the great subject of difference was the restitution to be made of the monies which had been forcibly taken from the clergy. The pontiff proceeded with deliberation, and allowed his disobedient son time to repent. When the interdict had lasted a year, he fulminated against him a bull of excommunication: but the king maintained so rigorous a watch at the ports, that the sentence could not be officially published in England; and his theologians maintained that, till it were published, it could have no effect. But this partial advantage did not allay his apprehensions. Excommunication, he well knew, was only a prelude to the sentence of deposition: there could not be a doubt that Philip, his ancient foe, would seize the opportunity to invade his dominions; and the increasing disaffection of his barons added to his perplexity and danger. To check therefore the hostility of the king of France, he retained in his service several of the petty princes, whose territories lay on the north or south of the limits of that kingdom; and, to fortify himself against the pope, he is said to have solicited the aid of Mohammed

* *Dunst.* 567. This writer says that Simon de Montfort was to be king—more probably, leader of the barons. See *Rot. Pat.* 94. for the disbanding of the army. David, earl of Huntingdon, and brother of the Scottish king, was compelled not only to deliver his son and some others as hostages, but also to surrender his castle at Fotheringay. *Rot. Pat.* *ibid.* and 133. 142.—In the *Mise Roll* of the year is a payment of six shillings to a messenger who brought to the king the heads of six Welshmen, p. 231.

al Nassir, who had assumed the usual appellation of the emir al Moumenim, and by his conquests in Spain had threatened to extirpate Christianity from the south of Europe. This secret negociation was intrusted to the prudence of two knights, Thomas Hardington and Ralf Fitz-Nicholas, and of a clergyman called Robert of London. On their arrival at the palace of the Moor, they were successively conducted through several apartments lined with guards, whose arms, manners, and apparel, excited the wonder of the strangers. The emir himself, a man of moderate stature and grave aspect, kept his eyes fixed on a book lying before him. Having made their reverences, they presented John's letter, which was received and translated by an interpreter. It contained, if we may believe the report which was afterwards circulated, an offer of the English crown to the emir, and a promise on the part of John to embrace the Mohammedan faith. In this there is probably much exaggeration, though it would be difficult to determine the precise limits at which the desperation of a prince would stop, who with John's disposition should find himself in John's circumstances. The emir put to the envoys several pertinent questions respecting the population and strength of the kingdom, the age, prospects, and character of the king, and dismissed them with general unmeaning expressions of amity. But as they retired, he recalled Robert, and adjured him, by his respect for the Christian faith, to say what kind of man his master was. He honestly replied that John was a tyrant, and would soon be deposed by his subjects. This was the only audience which they obtained. Robert appears to have been a favourite with the king, who gave to him, as a reward of his services, the custody of the abbey of St. Albans, a charge from which he contrived to collect for his own use above a thousand marks*.

* Some writers have rejected this story : I should have rejected it also, had it rested on no better authority than most of the fables related by

Four years at length elapsed, and the king's obstinacy was still unsubdued. The archbishop and other prelates presented to the pope a strong remonstrance, in which they described their own wrongs and those of the clergy and religious, John's cruelties and impenitence, and the necessity of more powerful measures to preserve the privileges, and punish the enemy, of the church. Innocent with apparent unwillingness had recourse to the last effort of his authority. He absolved the vassals of John from their oaths of fealty, and exhorted all Christian princes and barons to unite in dethroning an impious king, and in substituting another more worthy, by the authority of the apostolic see*.

A. D.
1212.

John, however, might have laughed at the impotent resentment of Innocent had no monarch been found willing to undertake the execution of the sentence. The pope applied to the king of France; and Philip lent a ready ear to proposals so flattering to his ambition†. A numerous army was summoned to meet at the mouth

Paris. But I cannot disbelieve him, when he asserts that he received it from the mouth of Robert himself. I have, however, ventured to remove it from the place which it occupies in his history, and to insert it here, for two reasons. 1. Because it occurred during the interdict (Paris, Hist. 205. Vit. Abbat. 1044). 2. It happened before the great battle of Muradel, which broke the power of the emir, in 1212 (Paris, Hist. 206. Annal. Waverl. 176). It is inserted at the proper time in his lives of the abbots of St. Albans, p. 1044. See for Robert of London the Rot. Pat. 81. 84.

* Paris, 195. The reader has seen that Innocent grounded his temporal pretensions on the right which he possessed of judging of sin, and of the obligation of oaths (See note p. 11). This doctrine, hostile as it might be to the independence of sovereigns, was often supported by the sovereigns themselves. Thus when Richard I. was held in captivity by the emperor, his mother Eleanor repeatedly solicited the pontiff to procure his liberation by the exercise of that authority, which he possessed over all temporal princes. Rym. i. 72-78. Thus also John himself had, as we have seen, invoked the aid of the same authority to recover Normandy from the king of France. At first, indeed, the popes contented themselves with spiritual censures; but in an age, when all notions of justice were remodelled after the feudal jurisprudence, it was soon admitted that princes by their disobedience became traitors to God; that as traitors they ought to forfeit their kingdoms, the fees which they held of God; and that to pronounce such sentence belonged to the pontiff, the vicerent of Christ upon earth. By these means the servant of the servants of God became the sovereign of the sovereigns, and assumed the right of judging them in his court, and of transferring their crowns as he thought just.

† Paris, 195.

of the Seine; and the hopes of the invaders were strengthened by the promise of co-operation from some of the English barons. Neither did John remain an idle spectator of the storm which was gathering. His first attempt was to amuse or propitiate the pontiff. The abbot of Beaulieu with five companions proceeded to Rome. Three of them—why the other three were absent we know not—presented themselves to Innocent, and offered on the part of the king to accept the terms which he had previously refused. But on examination it was found that their powers had been made to all six conjointly, and that of course no act by a part of them could bind the monarch. The pope, however, was unwilling to lose the opportunity of reclaiming his obstinate son; and the sub-deacon Pandulf was despatched with authority to accept the king's submission, provided that before the first of June he would swear, and four barons with him, to fulfil the terms faithfully, and according to certain previous explanations*. In the mean while John made the most vigorous preparations to repel the invaders. By his orders every ship in his dominions capable of carrying six horses was collected in the harbour of Portsmouth; and the sheriffs of each county summoned to the coast of Kent, under the penalty of culvertag, every man able to bear arms within the limits of their jurisdiction†. The fleet sailed across the Channel, captured a squadron at the mouth of the Seine, destroyed the ships in the harbour of Fecamp, and burnt the town of Dieppe. But the army was too numerous for any useful purpose. All who

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* New Rym. 108. Rot. Claus. 126. The king's messengers always took with them letters of credit for certain sums of money, which the king bound himself to repay to the lender, on the production of the letter and receipt signed by the messengers. Rot. Pat. 69.

† Omnes liberos homines et servientes, vel quicumque sint, et de quocumque teneant, qui arma habere debent, vel possint, et qui homagium nobis vel ligantiam fecerunt. Par. 196. Of these such as had no land were to serve at the king's expense.—Culvertag means in plain English the penalty of being a turn-tail. The culprit was liable by law to the forfeiture of all property, and perpetual servitude, as mentioned before, p. 14.

were not bound by oath to provide themselves with a coat of mail, or breastplate of iron, or a doublet protected with iron scales, were remanded; and in a few days another reduction was found necessary, from the difficulty of supplying provisions for the multitude which remained*. Still the king kept under his banners sixty thousand men, "sufficient," says the historian, "to have defied all the powers of Europe, had they been animated with love for their sovereign." But the infatuated prince had laboured, during the whole contest, to alienate the affections of his subjects. The instances which are recorded of his despotism and lust almost exceed belief. This at least is certain, that he had revived in all their severity the odious laws respecting the royal forests, imposed the most arbitrary and oppressive taxes†, troubled and disgraced by the violence and licentiousness of his amours the most noble families, and by his suspicions and precautions, by demanding at one time the security of hostages, and exacting at others the surrender of castles, had converted the most powerful barons into implacable enemies. Among the sixty thousand men arrayed for his defence, there was hardly a native on whose fidelity he could depend‡.

While the king lay at Dover, revolving the probable issue of the contest, he was visited by Pandulf, the confidential minister of the pope, who in an artful speech endeavoured to work on his fears and suspicions. Pandulf described in lively colours his dangerous situation,

* Chron. Dunst. 59.

† Besides his exactions from the laity he had at his return from Ireland exacted 40,000*l.* from the Cistercian, and 100,000*l.* from the other monks. Par. 193. There appears some exaggeration in these sums. The *Annales Waverlienses* reduce the 40,000 to 33,300, and those of Margan to 27,000. He had, however, the policy or cruelty to make all the religious houses give him charters in which they declared that the monies extorted by him since his accession were free gifts, for which they did not expect to be repaid. Ann. Waver. 173.

‡ Paris, 196-7. Of this large army a considerable portion consisted of Flandricans and Welshmen. The latter amounted to 12,000 men. As the knights, native and foreign, reached Canterbury to join the army, they received gratuities from the king. on the 8th, 11th, and 13th of May. See the accounts in the *Mise Roll*, 263-5.

exaggerated the power and projects of the king of France, and darkly hinted at the discontent and disloyalty of the English barons. During his speech the king's mind was agitated by different passions. If pride and resentment forbade him to yield, fear and superstition taught him to wish for a compromise. He was fully aware of the danger which threatened him; he knew that in his army the perfidy of some was certain, the loyalty of all was doubtful. Not long before, when he marched to Chester to attack the rebellious Welsh, he had defeated the plans of the conspirators by suddenly disbanding his army, and sheltering himself within the castle of Nottingham*: at present to adopt a similar expedient would be to seal the act of his deposition. But what on a mind so weak and superstitious made the most alarming impression was the prediction of Peter the hermit, that before the feast of the ascension should be past (it wanted but three days to the fatal term) John would have ceased to reign. After a long struggle, and with evident reluctance, he subscribed an instrument, which he had on a former occasion rejected. By this it was stipulated, that Langton should be admitted to the archbishopric of Canterbury; that the exiles, both clergy and laity, should be restored to their lands and offices; that all persons imprisoned on account of the late quarrel should be liberated; that all outlawries should be reversed, and a promise given that such judgments should no longer be pronounced against the clergy; that full restitution should be made for monies unlawfully seized, and injuries wantonly inflicted; and that on the fulfilment of these conditions the sentences of interdict and excommunication should be revoked, and the exiled bishops should swear at the king's pleasure to be true and faithful subjects. Four of the most powerful barons guaranteed with their oaths the performance of these stipulations on the part of John†.

* Paris, 194. Ann. Marg. 15.

† Paris, 197. Rym. i. 170

This happened on the thirteenth of May. The next day was spent by John, his council, and the papal minister, in secret and anxious consultation. On the following morning, in the church of the templars, the king, surrounded by the prelates, barons, and knights, put into the hands of Pandulf a charter subscribed by himself, one archbishop, one bishop, nine earls, and three barons. This instrument testified, that the king, as an atonement for his offences against God and the church, had determined to humble himself, in imitation of him who for our sake had humbled himself even unto death; that he had, therefore, not through fear or force, but of his own free will, and with the unanimous consent of his barons, granted to God, to the holy apostles Peter and Paul, to pope Innocent, and Innocent's rightful successors, the kingdom of England and the kingdom of Ireland, to be held of him and of the Roman church in fee, by the annual rent of one thousand marks, with the reservation to himself and his heirs of the administration of justice, and all the rights of the crown*. He then took in the usual manner an oath of fealty to the pope; the very same oath which vassals took to their lords. He swore that he would be faithful to God, to the blessed Peter, to the Roman church, to pope Innocent, and to Innocent's rightful successors; that he would not, by word, or deed, or assent, abet their enemies to the loss of life, or limb, or liberty; that he

* Paris, 199. *Annal. Bart.* 270. *Regist. Autent. Inn. III.* fol. 154. It was expressly provided, that besides the 1000 marks, the annual payment of the Peter-pence should be continued. It amounted to 199*l.* 8*s.*, paid from the different dioceses in the following proportions, as I transcribed them *ex Regist. Autent. Inn. III.* in the Vatican library.

	l.	s.		l.	s.		l.	s.
Canterbury	7	18	Lincoln	42	0	Hereford	6	0
Rochester	5	12	Chichester	8	0	Bath	11	5
London	16	10	Winchester	17	8	Salisbury	7	0
Norwich	21	10	Exeter	9	5	Coventry	10	5
Ely	5	0	Worcester	10	5	York	11	10

In a letter to his legate in England Innocent complains that the real amount collected by the bishops was about 1000 marks more. Probably they retained for themselves the excess above the sum originally transmitted to Rome in the Saxon times. *Rym. i.* 182.

would keep their counsel, and never reveal it to their injury; and that he would aid them to the best of his power to preserve and defend against all men the patrimony of St. Peter, and especially the two kingdoms of England and Ireland*. The next day the feast of the ascension, the period fixed by the hermit, was to the May king a day of anxiety and suspense. As soon as it was passed, he condemned Peter and his son as false prophets, and ordered them to be dragged at the tails of horses, and hanged on gibbets. The justice of the sentence was denied by many, who contended that the king, by swearing fealty to the pope, had verified their prediction. 16.

* Here I may observe, 1°. that if we believe Matt. Paris, this very extraordinary transaction arose out of a judicial sentence pronounced at Rome—*juxta quod Romæ fuerat sententiarum*, p. 198. But this is one of the fables which abound in the pages of that writer. No mention of such sentence, no allusion to it, is to be found in any other historian, nor in the instructions given to Pandulf, nor in the correspondence between that minister and the pope, collected in the register of Innocent in the Vatican library. The expression can with truth refer to nothing but to the instrument which John had signed on the 13th. 2°. Paris also represents Pandulf as receiving in the name of the pontiff the homage of John, and trampling in his pride on the money which the king offered as part of the tribute. All this appears to be fiction. That the homage is so, cannot be doubted. In the register of Innocent the words of John are, not that he does, but *will do* homage, if he should chance to be in the pope's presence: *fidelitatem secundum subscriptam formam facimus et juramus, et homagium ligeum in præsentia, D. Papæ, si coram eo esse poterimus, faciemus*. The same reading occurs in the copy printed in the new edition of Rymer, i. 111. That it is the true reading no one can doubt, who reflects that it is that which was sent by Pandulf to Rome; yet in Paris *fidelitatem* is omitted, and the passage proceeds thus—*fecimus et juravimus homagium ligeum in præsentia Pandulphi; si coram Domino Papa esse poterimus, eidem faciemus*. 3°. In the new Rymer we have a paper which seems to have been a news letter, but by whom it was written, or what credit it may deserve, we know not. This paper appears to favour the opinion that John did homage—*fidelitatem fecit et homagium per juramentum tactis sacrosanctis evangeliiis, et per cartam suam, quam jam Romæ transmisit per nuncios suos*, p. 112. But if we reflect that homage was never done by oath, we shall see that *fidelitatem fecit* must be construed with *per juramentum*, and *homagium* with *per cartam*. In no other way can the assertion be true. Both these instruments are published with erroneous titles in the new Rymer. The oath of fealty is entitled *forma homagii*, and the news letter *certificatio absolutionis*, though that absolution did not take place till some months after the letter was written. With respect to the story of Pandulf trampling in his pride on the money, I may observe that, though in the printed copies of Paris it appears as part of the text, it is not to be found in Wendover, and occurs in the MS. only as a marginal note added by some unknown person, and is therefore of no authority.

This transaction has heaped eternal infamy on the memory of John. Every epithet of reproach has been expended by writers and readers against the pusillanimity of a prince, who could lay the crown of England at the foot of a foreign priest, and receive it from him again as his vassal and tributary. It was certainly a disgraceful act: but there are some considerations, which, if they do not remove, will at least extenuate his offence. Though the principles of morality are unchangeable, our ideas of honour and infamy perpetually vary with the ever-varying state of society. To judge impartially of our ancestors, we are not to measure their actions by the standard of our present manners and notions: we should transport ourselves back to the age in which they lived, and take into the account their political institutions, their principles of legislation and government. 1°. Now in the thirteenth century there was nothing so very degrading in the state of vassalage. It was the condition of most of the princes of christendom. Even the king of Scotland was the vassal of the king of England, and the king of England the vassal of the king of France; the one for the lands, whatever they were, which he held of the English crown, the other for his transmarine territories; and both were frequently seen in public on their knees, swearing fealty, and doing homage to their feudal superiors. John himself had been present when William the Lion subjected the Scottish crown to the English; and it was but nine years since Peter, the king of Arragon, had voluntarily become the vassal of Innocent, and bound himself and his successors to the yearly payment of two hundred and fifty ounces of gold to the holy see*. Nor were similar precedents wanting in his own family. He knew that his father Henry, powerful as he was, had become the feudatory of pope Alexander III.; and that his brother, the lion-hearted Richard, had resigned his crown to the

* Zurita, Indicul. rer. Arrag. l. i. Trivet, 147.

emperor of Germany, and consented to hold it of him by the payment of a yearly rent. John in his distress followed these examples; and the result seems to have recommended his conduct to the imitation of the Scottish patriots, who, to defeat the claim of his grandson Edward I., acknowledged the pope for their superior lord, and maintained that Scotland had always been a fief of the church of Rome*. 2°. Neither is the blame of this transaction to be confined to the king. It must be shared with him by the great council of the barons, his constitutional advisers, the very men who two years later extorted from him the grant of their liberties on the plain of Runnymede. The cession was made by their advice and with their consent: whence it may be fairly presumed that there was something in the existing circumstances which would justify the king, as far as he was concerned. Some writers have imagined that their motive was the hope of averting the threatened invasion, or if it could not be averted, of at least preserving John on the throne by the intervention of the same power, which had so nearly precipitated him from it. There is, however, some reason to believe that it originated with the barons themselves, who eagerly grasped at the opportunity of humbling the pride, and checking the violence of the despot, whom they abhorred. From that moment they began to demand the grant of their liberties. On his refusal they appealed by their agents to the gratitude of the pope, now become his and their sovereign, reminding him that "it was not to the good will of the king, but to them, and the compulsion which they had employed, that he was indebted for his superiority over the English crown†." Innocent,

* See chap. lii. of this volume.

† Quod vos annuum redditum domino Papæ et ecclesiæ Romanæ concessistis, et alios honores quos ecclesiæ Romanæ exhibuistis, non sponte, nec ex devotione, imo ex timore, et per eos coactus, fecistis. This passage appears to me decisive of the part taken by the barons. It is contained in a private letter to John from his agent at Rome (Rym. i. 185), who reports the assertions of the barons to the pontiff.

however, supported the cause of his vassal; and the barons transferred their allegiance to Louis, the son of Philip. The men, who could thus place on the throne the heir of the French monarchy, were certainly capable of subjecting it to the feudal control of the head of their church.

The transactions at Dover were soon known on the opposite side of the channel, and Pandulf himself hastened to detail the particulars to the king of France, who lay with a powerful army at Boulogne. At the news his hopes of acquiring the English crown, the dream of his ambition, melted away; and his discontent exhausted itself in invectives against the selfish, perfidious policy of the pontiff. To his council he proposed to continue the enterprise; but was interrupted by Ferrand, earl of Flanders, a secret ally of the English monarch, who observed that he should not deem it a duty to follow his lord in an unjust expedition. These words excited a violent dispute: charges and recriminations were thrown from one to the other; and Philip closed the debate with a solemn declaration, that either Flanders should be annexed to the crown of France, or France should become a province of Flanders. Aware of his danger, the count immediately fled: Philip hastily followed his footsteps; Cassel, Ipres, and Bruges were reduced; and the French army encamped under the walls of the strong city of Ghent.

It was fortunate for Ferrand that the English navy lay at this moment in the harbour of Portsmouth, and was ready to put to sea. Seven hundred knights with a numerous body of infantry embarked on board of five hundred ships, and steered for the harbour of Swyne. The French fleet, which, according to the testimony of Rigord, the chaplain of Philip, amounted to more than thrice that number, had already arrived: but a part only could be admitted within the port of Damme; and the remainder had been left without any protection by the troops, who were employed in plundering the neighbour-

ing villages. This unexpected meeting was most fortunate for the English. The French mariners opposed but a feeble resistance; three hundred sail, laden with military stores and provisions, were captured; more than one hundred were burnt; and the others maintained a doubtful combat within the port against their assailants and the inhabitants. The whole fleet might have been destroyed, had not the temerity of the English commander, William the Longsword, earl of Salisbury, and the king's illegitimate brother, induced him to divide his forces; and by sending a part in pursuit of the plunderers, to prolong the contest till the French army arrived from Ghent. The English were now driven to their ships with the loss of two thousand men; an advantage which, however, did not indemnify Philip for the former disaster. He had lost the means of supporting his army in Flanders, or of conveying it to England. He burnt Damme and the remains of his fleet; and after a short and inglorious campaign returned in sullen dis-
June.
content to his own frontiers. Ferrand recovered his territory as far as St. Omer*.

The consequences of the transaction at Dover now began to unfold themselves. John had consented that the outlaws, both laity and clergy, should return to their native country; but, as little reliance could be placed on the word of the king, it had been stipulated that twenty-four barons should engage to protect them from insult or injury. Instruments to this effect had been executed and delivered to John; but, instead of transmitting, he retained them in his possession. He still cherished a lingering hope that some fortunate accident might enable him to break his engagements, and throw off the shackles with which he felt himself galled. The success of his fleet encouraged that hope. He forgot the conditions of the late pacification; and, to carry the war into France, summoned all his retainers to meet him at Portsmouth.

* Paris, 199, 200. Chron. Dunst. 61. Rigord, 54.

But when he ordered them to embark, the barons refused to obey, and insisted that he should previously recall the exiles. The king was compelled to acquiesce; and at his invitation Langton, the bishops of London, Ely, Hereford, Lincoln, and Bath, the prior and monks of Christchurch, and their companions, returned. They met at Winchester: John and the cardinal embraced; and the sentence of excommunication was publicly revoked at the entrance of the cathedral. But the archbishop had previously required him to repeat his oath of fealty to the pontiff, and to swear that he would abolish all illegal customs, restore to every man his rights, and revive the laws of the good king Edward; words of vague and uncertain import to the multitude, but sufficiently understood by the few who had been initiated in the secret*.

The king now hastened again to Portsmouth, ordered the troops to embark, and with a favourable wind set sail for the French coast. He reached the island of Jersey with a few ships; but found that none of the barons had followed him. They, under the plea that the time of their service was expired, had repaired to a council at St. Alban's, in which Fitz-Peter, the justiciary, presided. Their resolves were issued in the form of royal proclamations, which ordered the laws granted by Henry I. to be universally observed; and denounced capital punishment against the sheriffs, foresters, or officers of the king, who should exceed the strict line of their duty. If it be asked why the laws of Henry I. were substituted for those of Edward, the answer is easy. The latter could be collected only from the doubtful testimony of tradition: but it was assumed that they had been embodied in the charter which Henry had granted at his accession†.

In the mean time John had landed, breathing revenge against the traitors, who had abandoned their sovereign.

* Paris, 201. Rym. i. 171, 172. Annal. Waver. 178.

† Paris, 201.

He determined to punish their disobedience by military execution; and had advanced as far as Northampton, when he was overtaken by the primate, who reminded him that it was the right of the accused to be tried and judged by their peers. "Rule you the church," replied the king, "and leave me to govern the state." He continued his march to Nottingham, and at Nottingham he was again assailed by Langton. That prelate repeated his former observation; asserted that the barons were ready to answer in the king's court; and concluded by declaring, that if John persisted to refuse them the justice of a trial, he should deem it his duty to excommunicate every person, with the exception of the king himself, who should engage in so impious a warfare. John yielded with reluctance, and for the sake of form summoned the accused to appear on a certain day before him or his justices*.

Three weeks had scarcely elapsed since the meeting ^{Aug.} at St. Alban's, when a second meeting was convened at ^{25.} St. Paul's in London. Its ostensible object was to ascertain the damages sustained by the outlaws during the late quarrel. But Langton called the barons aside, read to them the charter of Henry, and commented on its provisions. They answered by loud acclamations; and the archbishop, taking advantage of their enthusiasm, administered to them an oath, by which they bound themselves to each other to conquer or die in the defence of their liberties†.

We shall now witness an important change in the politics of the pontiff. Hitherto he had supported the cause of the primate and barons: henceforth he will espouse the interests of the king. The cardinal Nicholas, ^{Sept.} bishop of Tusculum, arrived with the title of legate, and ^{29.} with instructions to settle the amount of the restitution to be made to the outlaws, and, when that was done, to take off the interdict. John immediately sought to

* Paris, 201.

† Ibid 202. Annal. Waver. 178.

secure the good will of this envoy. Not only did he repeat before him the oath of fealty which he had already taken in presence of Pandulf, but he did homage to him as the papal representative, though by his previous agreement he was bound to do it to the pontiff in person only *.

Dec. 6. Three successive assemblies, however, were held without any result. The losses of the sufferers, whose property had been pillaged, woods felled, and houses burnt, were so enormous, that the king would not, perhaps could not, repair them. At length the demands of the inferior claimants were postponed; the payment of fifteen thousand marks relaxed the importunity of the prelates; and it was resolved by common consent, that the decision of the controversy should be referred to the equity of the pontiff. After hearing the arguments on both sides, Innocent gave an initiatory award, by which it was ordered that the king should pay to the bishops forty thousand marks, including the sums already received; that he should give security for the discharge of any other damages to be hereafter awarded by the pontiff; and that the interdict should be immediately recalled.

A. D. 1214. John, in the mean time, confident in the support of the pope, and unopposed by the contumacy of his barons, had sailed to the coast of Poitou, had been joined by the lords in the neighbourhood, and had penetrated to the city of Angers. There he was found by the messengers from Rome; who, having received his oath that he would observe the papal award, hastened to England, and revoked the interdict, after it had lasted more than six years. John immediately marched towards Bretagne; but his progress was arrested by the arrival of Louis, the son of Philip; and from that moment both armies, as

* See New Rymer, i. 115. The Old, i. 176. Here again we have the same mistake in the title of 'forma homagii' for forma juramenti fidelitatis. As soon as Innocent received the intelligence, he wrote to signify his acceptance of the gift (Nov. 4). See New Rym. i. 117.

it were by mutual consent, suffered the war to linger, and waited the issue of the campaign in the north. There the allies of John, Otho, the emperor of Germany*, Ferrand, earl of Flanders, and William, earl of Boulogne, had joined the English forces under the earl of Salisbury, and hastened at the head of more than one hundred thousand men to invade the French territory. To this torrent Philip could not oppose half the number of combatants; but the deficiency was supplied by the spirit and gallantry of his followers, the flower of the chivalry of France. The armies met at Bouvines, an obscure village on the river Marque, between Lisle and Tournay. Of the action which followed, so fatal to the prospects of John, so flattering to the vanity of Philip, I shall not pretend to give the details: a few anecdotes of the principal leaders may prove interesting to the reader. 1. Philip was at one time in the most imminent danger. Trusting to the temper of his armour, he had fearlessly rushed into the midst of the combatants. A German on foot, who espied an opening between his visor and cuirass, made a desperate push at his throat with a barbed lance. He missed his aim: but the hook caught the strap of the helmet, and the king was dragged from his horse. Though the soldier kept his hold, Philip rose on his feet. Otho hastened to overpower his enemy; while the French knights rushed forward to rescue their sovereign. After a desperate conflict he was disengaged, remounted his horse, and continued the battle. 2. The emperor could boast of having escaped from equal danger. 27.

* Otho was son to Henry the Lion, duke of Saxony, and nephew to John. After the death of Henry VI., emperor of Germany, he opposed the claim of Philip, duke of Suabia, the brother of the deceased prince. After an unsuccessful war, he was freed from his competitor by the hand of an assassin, and obtained the imperial crown. By advancing pretensions which he had formerly abandoned, he incurred the resentment of Innocent, his former protector. He was excommunicated. Innocent and the king of France formed a league in favour of Frederic, son to Henry VI., who was crowned by the pontiff. Otho, unable to oppose his rival, retired to his patrimonial estates at Brunswick, and cheerfully entered into the league against his enemy, the French king.

He wielded with both hands a one-edged sword of enormous weight, and at each stroke stunned or unhorsed an opponent. During the battle he had three chargers killed under him. On one of these occasions, Du Barré, an athletic knight, seizing him round the waist, endeavoured to carry him off: nor was it without difficulty that he was liberated by the efforts of his guards. On another he received on his breast a stroke from a battle-axe, which was repelled by the strength of his cuirass. A second stroke wounded his horse on the head; and the animal, impatient of pain, wheeled round, and carried him out of the combat. 3. The earl of Salisbury chanced to meet the bishop of Beauvais. The captivity of that prelate had not extinguished his passion for fighting: but his only weapon was a club, that he might not, as he pretended, shed blood in violation of the canons. With a single stroke he brought the earl to the ground, and made him his prisoner. 4. The earl of Boulogne, out of respect for the Sunday, had proposed to defer the engagement to the morrow, and had been called a coward and traitor for his advice. When his companions fled, he refused to accompany them; fought till his horse was killed; and at last, unable to rise, surrendered to De Guerin, bishop elect of Senlis, who had refused to carry arms, but at the request of Philip had undertaken to marshal his forces, and to regulate their movements. 5. But the man, whose captivity afforded the king the greatest pleasure, was the earl of Flanders, his inveterate enemy. He was wounded and taken. Philip conducted him to Paris, exposed him to the derision of the citizens, and confined him in a dungeon during the rest of his reign*.

The defeat at Bouvines broke all the measures of Sept. John, who solicited and obtained from Philip a truce for Oct. five years, and returned from an inglorious campaign in 19.

* See Paris, 211. Gaguin, l. vi. Rigord, 61. 63. Guil. Btjt. Philip. l. x. xi.

France to a still more inglorious contest in England. On the 20th of November the barons assembled at the Nov. 20.
 abbey of St. Edmund's, under the pretence of celebrating the festival of the patron saint: their real object was to mature their plan of future operations, without awakening the suspicion of their sovereign. Many secret meetings were held: the different liberties for which they were to contend were accurately defined; and it was determined to demand them in a body when the king should hold his court at the festival of Christmas. Before they separated, they advanced singly to the high altar, and took a solemn oath to withdraw their allegiance, if John should reject their claims; and to levy war upon him, till he should grant them. At Christmas he was at Worcester; but whether he had received intelligence of their design, or was alarmed at the solitude of his court, he departed suddenly, proceeded to London, and shut himself up in the Temple. The confederates followed in great numbers, and on the feast of A. D. 1215.
 the Epiphany presented their demands. The king at Jan. 6.
 first assumed an air of superiority, and insisted not only that they should recede from such claims, but should assure him under their hands and seals that they would never make them again. The bishop of Winchester, the earl of Chester, and the lord William Brewer, consented: the others obstinately refused. He had then recourse to delay; and offered, on the security of the archbishop of Canterbury, the bishop of Ely, and the earl of Pembroke, to give them a satisfactory answer at the following Easter. This proposal, after much hesitation, was accepted*.

The interval was spent by the king in endeavours to Jan. 15.
 fortify himself against this formidable combination. He garrisoned his castles, sent to Flanders and Poitou for the foreign knights, who had entered his service; and

* Compare Paris, 212, 213, with the letter in Rymer, i. 184, 185. By some mistake it is placed among the records of the year 1214, but evidently relates to transactions of 1215.

sought at home to secure the good will of the clergy. Of the manner in which, according to the papal award, he had indemnified the sufferers under the interdict, that body could not reasonably complain: but his continued interference in the election of prelates was still considered by them as an intolerable violation of their rights. In the more early part of his reign it was seldom that he would consent to the appointment of a new bishop or abbot; and, when permission was at last extorted, he generally summoned the electors to appear before him or his commissioners, not that they might exercise their own judgment in the selection, but that they might do the royal bidding, and give their votes in favour of the royal nominee *. During the six years of the interdict many bishoprics and abbeys had become vacant: and after his reconciliation with the pontiff he ordered the chapters to proceed to new elections, but in his presence, wherever he might be, either in England or on the continent †. The archbishop remonstrated; a negotiation followed; and the result was, an agreement that the electors should be left to their own choice, and that, when the king was absent, the royal assent should be given by commission ‡. Though after this a few instances of free election occur §, in general the monarch signified his pleasure under the modest form of a request, but a request intended to operate as a command ||, and despised the murmurs of the aggrieved, as long as he was free from alarm from any other quarter. Now, however, when he saw the lay baronage combined against him, he deemed it prudent to secure the support of the clergy; and with that view granted to them sponta-

A. D. 1213. July 13.

A. D. 1214. Jan. 12.

A. D. 1215. Jan. 15.

* Ad audiendam voluntatem nostram de pastore vobis eligendo. Rot. Pat. 48. Scituri quod hoc de illo et de nullo alio volumus. Ib. 61.

† Nos sequantur in transmarinas partes, si forte in Anglia nos non invenerint. Rot. Claus. 150. et passim.

‡ Ibid. 160.

§ Rot. Pat. 127.

|| Rot. Claus. 181. The real meaning of his request is betrayed to us by his instructions at the same time to his commissioners, who were to be present at the election, and not to allow any one but the king's nominee to be chosen. Cujuslibet alterius personæ exclusæ. Rot. Pat. 139.

neously a charter of free election, which provided that the custody of all cathedral, collegiate, and conventual churches, when they became vacant, should, as was usual, be vested in the crown; that whenever the royal license to elect a new prelate was asked, it should be immediately granted, and that if it were refused, it should still be lawful to proceed to the election; that no influence should be used to prevent the electors from choosing whom they pleased; and that when the prelate elect was presented to the king, he should not refuse his approbation, unless lawful reasons could be assigned for the refusal. Having thus, as he hoped, mollified Feb. the clergy, he ordered the sheriffs to assemble the free- 2. men of the different counties, and tender to them the oath of allegiance; and, to obtain for himself the security, which the church gave to the crusaders, he took the cross, and engaged by vow to wage war against the infidels*.

Both parties had despatched messengers to Rome, to solicit the protection of their feudal superior. But it was in vain that the barons appealed to the gratitude of Innocent: he deemed it his interest and duty to support the cause of his vassal. In a letter to Langton he in-^{Mar.} veighed against the injustice of refusing to John those 19 rights, which had been peaceably possessed by the crown

* Paris, 213. 221. New Rym. i. 136. I ought perhaps to have mentioned on a former occasion the privileges enjoyed by the crusaders. The first was an exemption from the obligation of doing canonical penance. The pilgrimage to Jerusalem was taken in commutation. But this indulgence, as it was called, was confined to the sole case, when the expedition had been undertaken from motives of piety alone. If the pilgrim had interest or honour in view, he was warned that he was still subject to the ancient discipline. *Quicumque pro sola devotione, non pro honoris aut pecunie adeptione, ad liberandam ecclesiam dei Hierusalem profectus fuerit, iter illud pro omni penitentia ei reputetur.* Con. Claramon. can. ii.—The second privilege was, that till their return their persons, goods, and estates were placed under the protection of the church. It was, indeed, proper that persons who ventured their lives for a cause, which was deemed the cause of all christendom, should be exempt from vexatious exactions during their absence: but it was cruel to debar those, who had just claims against the crusaders, from the prosecution of their rights during the same time. Many took the cross for the mere purpose of eluding the pursuit of their creditors, or of suspending the actions which had been commenced against them.

effect. Those who were not convinced by their arguments yielded to the fear of their resentment*.

The loss of his capital proved to the king that his crown was now at stake. To retain it, he had submitted to become the vassal of a foreigner: for the same purpose, why should he not submit to the demands of his barons? They might indeed require oaths and pledges: but in his estimation oaths ceased to bind, when they could be violated with impunity, and his heart was callous to the sufferings which his perfidy might entail on his friends. He assumed an air of cheerfulness; informed the confederates that he was ready to grant their petitions; and requested them to name a day and a place for the conference. Runnymede, situated between Staines and Windsor, was the scene of this important negotiation. On the one side stood Fitz-Walter, and the majority of the barons and nobility of England; on the other sat the king, accompanied by eight bishops, Pandulf, the papal envoy, and fifteen gentlemen. These attended as his trusty advisers: but the hostile sentiments of many were equally known to him and to his opponents. The instrument, containing the demands of the confederates, was presented to him, with certain securities which the knowledge of his habitual perfidy had suggested. It was required that he should disband, and send out of the kingdom, every foreign officer with his family and followers; that for two months longer the barons should retain possession of the city, and the archbishop of the Tower, of London; that a committee of twenty-five barons should be appointed with full power to decide all claims in conformity with the charter of liberties; that the freemen of every county should be at liberty, and, if they were unwilling, should receive a royal order, to swear obedience to the committee of barons, and even to take up arms at their command; that if the king violated these conditions, the

city and Tower of London should be retained, and war might be lawfully levied against him; and that he should give a written promise, and the written promises of the bishops and of Pandulf, never to obtain from the pope any instrument to the prejudice of these concessions, nor to make use of such instrument, if it were obtained. From this last demand the barons were induced to recede. They contented themselves with the king's promise: the other articles, with a few modifications, were moulded into the forms of a charter, and subscribed by John. Then, as they had previously June "defied him," that is, publicly withdrawn their fealty, 19. they renewed their homage and allegiance; and he, on his part, took them again for his liege men, and granted to them their former estates and honours*.

This charter is celebrated in history as the supposed basis on which are founded the liberties of Englishmen. It is not, however, to be considered as forming a new code of law, or even as an attempt to inculcate the great principles of legislation. Its framers meant not to disturb or improve the national jurisprudence: their only object was to correct the abuses which had grown out of the feudal customs under the despotism of the first William and his successors; and the remedies which they devised for this purpose were comprised in a charter, *granted*, to use the language of our ancient statutes, by the king to his vassals and the freemen of the realm.

1. The first article regarded the church of England, to which John granted that it should possess all its liberties whole and inviolate; and, to show his readiness to maintain them, boasted of the charter of free election which he had signed previously to the commencement of the rupture between himself and the barons†. It would have been more satisfactory, if these liberties had been enumerated and described; but the instrument

* Paris, 215—220. Rym. i. 67.

† C. L.

proceeds immediately to the redress of the grievances which pressed the most heavily on the tenants of the crown.

2. During the late reigns the king had been accustomed to exact arbitrary sums under the name of reliefs, to farm out the estates of his wards to the highest bidders*, to exercise the right of marrying the heir during his minority†, heiresses at any age above fourteen‡, and widows, if they held lands of the crown, to whomsoever, and whensoever he pleased§. In opposition to these abuses, it was now enacted, that the ancient reliefs should be restored, of one hundred pounds for the fee of an earl, one hundred marks for the fee of a baron, and one hundred shillings for the fee of a knight; that the guardian should receive only reasonable services from the lands of his ward during the minority; should uphold the houses and buildings; and should commit no waste of the chattels or slaves; that heirs and heiresses should not be married to their disparagement, nor without the previous knowledge of

* Thus Thomas de Colville gave 100 marks for the custody of the lands and children of Roger Torpel—Odo de Dammartin 500 marks for the wardship of the son of Hugh, the king's butler. Madox, c. x.

† This, though it has been denied by Blackstone (ii. 5), is proved by innumerable instances. Henry III., speaking of his wards, the sons of the earls of Lincoln and Warwick, says "*maritagium eorum ad regem pertinet*" (Rym. i. 441). Thomas Basset bought of king John the wardship of an heir, together with the right of marrying him to one of his own daughters (Rot. Claus. 35). In the same manner Reginald de Pontibus bought of the same prince the marriage of an heir for his daughter (Ibid. 163). On this account wards were accustomed to purchase the right of marrying whom they pleased. In that ancient document, the great Pipe Roll of the 31st of Henry I., we find Gilbert Maisnill paying to the king ten marks, and Walter Cancey paying fifteen pounds, for permission, "*ut ducat uxorem ad velle suum*." (Mag. Rot. Pip. 8. 26.)

‡ There are numerous entries in the Close Rolls, in which the king gives or sells "*seisin*" of the female ward with her lands.

§ On this subject we meet with many contracts between unmarried females and the crown. Wiveron, widow of Euerware, gives to Henry I. four pounds of silver, and a mark of gold, *ne capiat virum nisi quem voluerit* (Mag. Rot. Pip. 96). William Fitzhermer pays to him £11. 13s. 4d., *ut mater sua ducat virum ad electum suum* (Ibid. 92). Lucy, relict of Ranulph, third earl of Chester after the Conquest, gives 500 marks that she may not be compelled to marry during five years (Ibid. 110): Alice, countess of Warwick, gives security to king John, that she will neither marry nor enter a convent for twelve months (Rot. Pat. Johan. 63); and then pays him £1000, that she may remain a widow as long as she pleases. New Rym. i. 91.

their relations; and that widows should be entitled to the undisturbed possession of their own inheritance, of their maritagium, or the lands given with them in marriage, and of their dower, or the third part of the free tenements of their deceased husband; and that they should be permitted to remain single as long as they pleased, provided they gave security not to marry without the consent of their lord*.

3. In former times aids and scutages had been levied but sparingly, and by common consent: the king's wars and expeditions to the continent had now made them of almost annual recurrence†. By the charter his right to exact an aid was limited to the three legal cases, of his personal captivity, of the knighthood of his eldest son, and of the marriage of his eldest daughter‡. To levy an aid or scutage on any other occasion, the consent of the great council of the tenants of the crown was made necessary. The members composing this council were enumerated. namely, the archbishops, bishops, abbots, earls, and greater barons, who should be summoned personally by writ, and all the other tenants in chief of the crown, who should be summoned generally by the sheriff. It was added, that the summons should be issued at least forty days beforehand; that it should specify the time and the place of meeting, and the intended subject of discussion; and that, whenever all these particulars had been duly observed, the members who were absent should be bound by the determination of those who had been present§. The reader will ob-

* Mag. Char. c. 2, 3, 4, 5, 6, 7, 8.

† The amount of the scutage varied from two to three marks on every knight's fee. Rot. Claus. 45, 46. 127. The aid levied in 1207 was of a shilling in every mark of the yearly value of real, and of the existing value of personal property. John appears to have farmed out this tax to some of the greater barons, receiving of them a certain sum, and empowering them to levy the real amount on their tenants. Rot. Pat. 72. Claus. 84.

‡ Mag. Char. c. 12.

§ With respect to this provision two things may be remarked. 1. It was not in the articles or demands originally submitted by the barons to the king; but seems to have arisen out of the conferences which were

serve that this was not a parliament in the present sense of the word. It consisted entirely of the king's tenants, and was to be convoked for the sole purpose of granting him a supply. The clause, however, seemed to trench so deeply on the claims of the crown, that it was expunged from the charter in the first year of the next reign, and was never afterwards restored ; though it seldom happened that any sovereign ventured to violate it openly*.

4. Our kings seldom remained for any length of time stationary in one place ; and, as long as the courts of law followed the royal person, much inconvenience was experienced both by suitors and witnesses, who, on account of the several hearings frequently given to the same cause, were successively dragged to different, and often very distant, parts of the kingdom. Hence it had happened, that during the two last reigns a bench of justices had been established at Westminster to decide causes between party and party ; and this institution was now confirmed by the charter, which enacted that "common pleas should no longer follow the person of the king, but be held in some certain place." By this clause the king's court, and the court of exchequer, which still accompanied the sovereign, were confined to the cognizance of criminal matters, and of causes regarding the revenue ; and the court which sat at Westminster, from hearing those causes, in which both the parties were subjects, obtained the name, which it still bears, of the court of common pleas†.

held on those articles. 2. If the reader attend to the language of the charter, he will see reason to infer, that the object of these writs was not to confer any privilege or dignity, but to prevent subsequent objections on the part of this or that baron, that he had not been consulted, and of course had not given his consent. If he did not attend after he had received the writ, his absence was his own deed, and could not avail him as an excuse. He must then stand by the determination of those who had been present. The writ imposed an obligation, but I cannot find from ancient documents that it conferred any right or dignity which the individual summoned did not previously possess in consequence of the territorial possessions which he held by barony of the crown, and for which he had done homage to the king.

* Chart. Hen. III. among charters of liberties, p. 16.

C. 17.

5. For the better administration of justice, the king granted that no man should be made judge, constable, sheriff, or bailiff, unless he were sufficiently versed in the law; that no sheriff, constable, coroner, or bailiff, should hold pleas of the crown; that no bailiff should on his own assertion, and without the evidence of witnesses, put any man on his law; and that, as the itinerant justices made their circuits at very distant and uncertain periods, two justices should be sent into every county four times in the year, who, with the aid of four knights to be chosen in the county courts, should hold assizes of darrein presentment, mort d'ancestor, and novel disseisin*. It is not improbable that the establishment of this new court gave a shock to the ancient institution of shire-motes, and was the origin of the present custom of associating other persons in the commission of the justices of assize.

6. All these were useful provisions: those which followed were still more important. The iniquitous means by which our kings derived money from the proceedings in courts of law have been noticed in the reign of Henry II. As a remedy John was compelled to sign the following article,—“We will not sell, we will not refuse, “we will not defer right or justice to any one†.”

* Ibid. c. 45. 24. 38. 18. 19. Darrein presentment was a recognition to discover who presented the last parson to a church; mort d'ancestor, whether the last possessor was seized of land in demesne as of his own fee; and novel disseisin, whether the claimant had been unjustly disseised of his freehold.

† C. 41. Instances similar to those mentioned in the history of Henry II. are to be found under John. See Madox, i. 448. 452. 515. 517. In the history of Croyland is a tedious but curious account of a suit respecting the right to a marsh, between the abbot of that monastery and the prior of Spalding. It lasted the whole reign of Richard, and great part of that of John. Money was required at every step. Forty marks were given to have a trial, to put it off, to suspend judgment, &c. At last the prior gave sixty marks, when the abbot offered one hundred, and judgment was given. From the writs issued on the occasion, it appears, that the judge could not proceed till security had been given for the payment of the money. Ideo vobis mandamus, quod accepta securitate de illis 40 marcis, tunc coram vobis audiri.—So the justiciary writes to the sheriff: Scias quod prior de Spalding fecit nos securos per Simonem de Lima de 40 marcis: ideo summo, &c. Hist. Croyl. 455—477.



Treading in the footsteps of the most despotic of his predecessors, he had been accustomed to arrest his vassals on the mere suspicion of their hostile intentions, to compel them to give hostages for their fidelity, to imprison them, to banish them, to ravage their lands, and to demolish their castles. He now consented that "no freeman should be arrested, or imprisoned, or disseised of his land, or outlawed, or destroyed in any manner, nor should the king go upon him, nor send upon him, but by the lawful judgment of his peers, or by the law of the land *." By this clause the property and liberty of the subject were protected against the tyranny and resentment of the monarch; and in the same spirit of legislation the charter proceeds to enact, that earls and barons should be amerced by their peers only, and according to the nature of their offence; that freemen should not be amerced heavily for a small fault, nor above measure for a great transgression, saving always to the freeholder his freehold, to the merchant his merchandise, and to the husbandman his implements of husbandry; and that such amerciements should be imposed by the oath of the good men of the neighbourhood †.

* C. 40. If the reader recollect that Henry II., for no other cause than to mortify archbishop Becket, banished all his friends and relatives to the number of some hundreds; and that John very lately had arrested all the relatives of Langton and the bishops his associates, had despoiled them of their goods, and thrown them into prison, though they had not been guilty of any offence (Paris, 190); he will see the necessity of this clause to check such lawless and despotic proceedings.—The words "We will not destroy him, nor will we go upon him, nor will we send upon him," have been very differently expounded by different legal authorities. Their real meaning may be learned from John himself, who the next year promised by his letters patent *nec super eos per vim vel per arma ibimus, nisi per legem regni nostri, vel per iudicium parium suorum in curia nostra.* Pat. 16. Johan. apud Brad. ii. App. No. 124. He had hitherto been in the habit of *going* with an armed force, or *sending* an armed force on the lands, and against the castles, of all whom he knew or suspected to be his secret enemies, without observing any form of law.—Thus in 1276 the peers, in conformity with this article of the charter, adjudged, that the king should go upon Llewellyn, prince of Wales, quod eat super ipsum tanquam super rebellem suum et pacis sue perturbatorem. Parl. Writs, i. p. 5.

† C. 20, 21.

7. The king claimed on all occasions the right of pre-emption. If timber were wanted for repairs, carriages for conveyance, or provisions for himself, his household, or his garrisons, they were taken without ceremony, wherever they could be found; and a tender, or promise of payment, was made to the owner. It is easy to conceive what hardships were inflicted, and what injustices committed in the exercise of this claim. As some alleviation, it was enacted by the charter, that no constable or bailiff should take the corn or goods of any person without making immediate payment, unless he obtained a respite from the free will of the owner; nor employ the horses or carts of any freeman to perform carriages without the consent of the same freeman; nor cut down another person's wood for the royal castles or other uses, without the permission of him to whom the wood belonged*.

8. The barons, having secured their own rights, attended to those of the cities and burghs, which had progressively risen in importance, and given their aid in the present quarrel. The charter confirmed to the capital, and all other cities, burghs, towns, and sea-ports, the enjoyment of their ancient liberties and free customs by land and water; ordered the same weights and measures to be employed in all parts of the realm; and granted to foreign merchants the liberty to come into England, to reside in it, to travel through it, and to depart from it without exaction, according to right and ancient custom. The king, however, retained the power to arrest them in time of war, and to keep them in custody, as a measure of security, till it should be known in what manner the English merchants had been treated in the enemy's country†.

9. It was moreover provided, that every freeman should have full liberty to quit the kingdom and return to it, saving his allegiance, and unless it were in time

* C. 28. 30, 31.

† C. 13. 35. 41.

of war. From this liberty were excepted prisoners, outlaws, and merchants from hostile states*.

10. The royal forests were the peculiar property of the crown. They were governed by their own laws, emanating from the sole will of the prince, and thus formed so many separate local governments in the very heart of the kingdom. That part of their code which had for its object the preservation of the deer was written in characters of blood. To kill "the king's venison," as it was called, subjected the offender to the loss of his life or members. Other laws, ostensibly intended for the preservation of the forests, but in reality for the profit of the king and his officers, created a multitude of offences, most oppressive and harassing to all who lived on the borders, or possessed property within the precincts of these inclosures. The charter professed to remedy some of the grievances which have been mentioned. It threw open all forests that had been made since the commencement of the king's reign, and appointed twelve knights to be chosen in the court of each county; empowered them to inquire upon oath into all evil customs of forests and warrens, foresters and warreners; and authorised them to abolish such customs within forty days, provided notice were previously given to the king or his justiciary†.

11. Had the charter stopped here, the relief which it was meant to afford would, in a great measure, have been confined to the immediate tenants of the crown. The great body of freemen was composed of the subvassals of these tenants, who had suffered from the tyranny of their lords the same oppressions which the lords had suffered from the tyranny of the sovereign. As they had shared in the enterprise, they might justly expect to share in its advantages; and in their favour a clause was inserted, providing, "that every liberty and custom which the king had granted to his tenants, as

* C. 42.

† C. 47. 48. They had also power to inquire into the conduct of the sheriffs, and other inferior officers of the crown.

"far as concerned him, should be observed by the clergy 'and laity towards their tenants, as far as concerned "them." The villeins and slaves, the most numerous class, in the kingdom, were not mentioned. They, of course, could have no claim to participate in the privileges of freemen*.

12. To these articles others were added of a temporary nature. The king promised to restore the hostages and charters which he had obtained from the barons; to make full restitution to every man, English or Welsh, who could prove that he had been dispossessed of his lands, castles, liberties, or rights, without the legal judgment of his peers; to remit all fines and amerciaments made unjustly and against law; to give back to Llewellyn, prince of Wales, his son and hostages; and to act towards Alexander, king of Scots, with respect to the restoration of his sisters and hostages, and his liberties and rights, in the same manner as he should act towards his other barons of England, unless it ought to be otherwise, according to the charters which he had received from William, the father and predecessor of Alexander; and in these points to be guided by the decision of the peers of the Scottish prince in the king's court†.

Such were the chief provisions of the great charter, which for centuries was considered as the palladium of our national freedom. Most of them expired with that system for which they were calculated. But at the time they were highly useful. They checked the most galling abuses of feudal superiority; they gave a new tone to English legislation; they justified resistance to the encroachments of despotism; and, in subsequent struggles with the crown, pointed to determinate objects the efforts of the nation. By our kings, who considered the charter as wrung from them by the strong grasp of necessity, they were perpetually evaded: by the people, who

* C. 60.

† C. 49. 52. 55. 58, 59.

deemed them the expression of their just rights, they were as often and imperiously reclaimed. It required no less than thirty-eight successive ratifications to give them in effect the full force of law*, a sufficient proof how much they were abhorred by the sovereign, and how highly they were prized by the nation.

June
19.

During this transaction John had shown himself a perfect master in the art of dissimulation. He assumed an air of cheerfulness: he spoke with courtesy and kindness to the barons: he promised the most prompt and faithful execution of all his engagements. Writs were immediately issued to the sheriffs, to assemble the courts of the counties, to read publicly the contents of the charter, to proceed to the election of the twelve knights to inquire into abuses, and to receive from all freemen the oath of obedience to the twenty-five barons appointed conservators of the public liberties†. But as soon as the assembly was dissolved, he threw off the mask. In a paroxysm of rage he cursed the day of his birth, gnashed his teeth, rolled his eyes, gnawed sticks and straws, and acted all the freaks of a madman. But from this frenzy he was awakened by the officiousness of his advisers, who urged him not to waste his time in useless exhibitions of passion, but to assist in devising the most speedy means of revenge. The result of their counsels was the immediate departure of two deputations to the continent. The one was charged to traverse Flanders, Picardy, Poitou, and Guienne, and to hire at any price adventurers to fight under the royal standard: the other hastened to Rome to implore in the king's defence the powerful interposition of Innocent, and to represent every concession extorted from the vassal as an insult offered to the authority of his lord, the pontiff‡.

* The charter was ratified six times by Henry III., thrice by Edward I., fifteen times by Edward III., six times by Richard II., six times by Henry IV., once by Henry V., and once by Henry VI.

† Apud Brady, ii. App. No. 118. p. 149. New Rym. i. 434.

‡ *Illatæ vobis in persona nostra injuria.* Rym. i. 202.

The barons had left Runnymede in triumph; and, to celebrate the fall of the despot, had appointed a tournament to be fought at Stamford on the second of July. But their joy was soon clouded with suspicion. John had eluded the restoration of their lands by promising to do them justice in his court on a certain day: now it was ascertained that he had ordered all his castles to be provisioned and fortified; and information was received of a plot to surprise the capital during their absence at Stamford. To defeat the latter, the time appointed for the tournament was postponed, and the place was removed nearer to London*. To prove the king's sincerity, a deputation waited on him at Winchester. He laughed at their suspicions, swore that they were unfounded, and offered to hasten the execution of the charter in any manner which should be suggested by the archbishop. In consequence writs were June issued to the twelve commissioners already elected in 27. each county, charging them to enter into possession of the lands, tenements, and chattels of all persons who had hitherto refused to take the oath to the twenty-five conservators; at the expiration of a fortnight, unless they had then obeyed the former order, to sell their chattels for the benefit of the fund for the expedition to the Holy Land; and afterwards to retain possession of the lands and tenements so long as the owners should persist in their obstinacy†. John in his turn required that, since they had promised to give him any security which he might demand, excepting their castles and hostages, they should now severally subscribe charters, declaring that they were bound by oath and homage to be true to him against all manner of men, and to defend his rights and the rights of his heirs to the crown. They refused; and the archbishop, with several prelates, gave a solemn attestation of their refusal‡.

* Apud Paris, 922. New Rym. i. 124.

† Apud Brady, ii. App. No. 119. p. 150. New Rym. i. 124.

‡ Ibid. No. 124. p. 162.

Another interview took place at Oxford, and the parties separated still more dissatisfied with each other*. The king, who sought to gain time, appointed a third conference to be held in the last week of August, which proved as fruitless as the preceding†. He did not attend personally, as he had repaired to Dover, to meet

Sep. 1. the foreign auxiliaries who had accepted his offers. They repeatedly arrived in great numbers, either needy adventurers, who, in hopes of new settlements, had brought with them their wives and families; or soldiers by profession, who had been accustomed to sell their blood to the highest bidder. The barons were alarmed; and, though they had long hesitated to recommence

Oct. hostilities, ordered William D'Albiny to take forcible possession of the castle of Rochester, which had been put by the king into the hands of Langton as a pledge of his sincerity. It was without provisions or engines of war; and before D'Albiny could procure a sufficient

Oct. 13. supply of either, was surrounded by John with his mercenaries. Though the barons marched out of London, they did not venture to face the royal army; and the castle was repeatedly assailed, and as obstinately defended during the space of seven weeks. When the sappers had thrown down part of the outer wall, the garrison withdrew into the keep. By means of a mine one of the angles was shattered. John urged his men to force their way through the breach: but every assault was repulsed with loss; and the mind of the king was embittered by a succession of disappointments. Famine, at last, subdued the obstinacy of the besieged;

* Matt. West. 1273.

† Mailros, 188. I am aware that this account differs from that of Paris, who tells us that John spent the day after the signature of the charter at Windsor, sculked away the next morning to the Isle of Wight, took up the profession of a pirate, and passed three months in the island, or at sea in the company of mariners. Paris, 222. Yet his account cannot possibly be true. From public instruments still extant, and published by Brady and Rymer, it is certain that John was at Runnymede on the 19th of June, at Winchester on the 27th, at Oxford on the 21st of July, and that he resided at Dover during the whole of the month of September.

and when D'Albiny and his companions had consumed their last meal, suddenly opening the gate, they threw themselves on the royal mercy. John ordered them all Nov. to be hanged: but Sauvery de Mauleon opposed the 30. cruel mandate, on the ground that his own officers would be exposed to the danger of retaliation. With difficulty an order was extorted from the tyrant to confine the knights in different castles; their followers were immediately executed, with the exception of the cross-bowmen, who probably were enrolled in the royal army*.

While the king was employed in the siege of Rochester he received the pleasing intelligence, that according to his request the charter had been annulled by the pontiff. Innocent, enumerating the grounds of his judgment, insists strongly on the violence employed by the barons. If they really felt themselves aggrieved, they ought, he observes, to have accepted the offer of redress by due course of law. They had preferred, however, to break the oath of fealty, which they had taken, Aug. and had appointed themselves judges to sit upon their 24. lord. They knew moreover that John had enrolled himself among the crusaders; and yet they had not scrupled to violate the privileges which all Christian nations had granted to the champions of the cross. Lastly, England was become the fief of the holy see; and they could not be ignorant that if the king had the will, he had not at least the power, to give away the rights of the crown without the consent of his feudal superior. He was therefore bound to annul the concessions which had been extorted from John, as having been obtained in contempt of the holy see, to the degradation of royalty, to the disgrace of the nation, and to the impediment of the crusade. At the same time he wrote to the barons, restating these reasons, exhorting Aug. them to submit, requesting them to lay their claims 25.

* Paris, 225—227. The chronicler of Dunstaple says of the knights, *quos post multa tormenta per gravem redemptionem postea relaxavit.* 73.

before him in the council to be held at Rome ; and promising that he would induce the king to consent to whatever might be deemed just or reasonable, to take care that all grievances should be abolished, that the crown should be content with its just rights, and the clergy and people should enjoy their ancient liberties*. Finding that his exhortations and his promises were equally fruitless, he ordered Langton to excommunicate the disobedient : but that prelate refused ; in punishment he was suspended from the exercise of the archiepiscopal functions ; nor could he, though he attended the council at Rome, mollify the pontiff, or recover the exercise of his authority. Another sentence of excommunication was then fulminated, in which the chiefs

Dec. 16. of the confederates were mentioned by name, and the city of London was laid under an interdict. Both censures were equally despised. They had been obtained, so the partisans of the barons argued, on false suggestions, and for objects not within the jurisdiction of the pontiff. He had no right to interfere in temporal concerns : the control of ecclesiastical matters only had been intrusted by Christ to Peter and Peter's successors †.

John had by this time assumed a decided superiority, and resolved to wreak the whole weight of his vengeance on the heads of his enemies. At St. Alban's he divided

Dec. 19. his army into two parts. The command of one was given to his brother the earl of Salisbury, with the task of spreading devastation over the counties of Essex, Hertford, Middlesex, Cambridge, Ely, and Huntingdon. He placed himself at the head of the other, and directed his march towards the north.

Alexander, the young king of Scotland, had not been less anxious than the English barons to escape from

* Rym. i. 203. 205. Par. 223—225.

† Rym. i. 208. 211, 212. New Rym. i. 139. Par. 227, 228, 232. Ex hoc maxime quod non pertinet ad papam ordinatio rerum laicarum : cum Petro apostolo et ejus successoribus non nisi ecclesiasticarum dispositio rerum a domino sit collata, p. 233.

the yoke of the tyrant: but he required and obtained from them the cession of Northumberland, Cumberland, and Westmoreland, as the price of his co-operation. In October he crossed the borders, invested the castle of Oct. Norham, and received at Felton the homage and fealty 18. of the inhabitants of Northumberland*. As John Oct. advanced, two powerful barons, Gilbert Fitz-Reinforth, 22. and John, constable of Chester, were admitted to the royal favour: but they first gave him hostages from their own families and the families of their principal retainers, and subscribed charters by which they bound themselves to serve him during life; promised neither to keep the oaths which they had taken to his enemies, nor to require the execution of the charter; and submitted to the penalty of perpetual disherison, if they should ever violate these engagements†. But the other barons, the moment the king entered Yorkshire, setting A. D. fire to their stacks and houses, fled into Scotland, and 1216. at Melrose did homage to Alexander, who at the Jan. approach of the royal army had raised the siege of Nor- 2. ham. Never, we are told, since the exterminating Jan. expedition of the first William, had these provinces been 11. exposed to such horrors, as they now experienced from the vengeance of the king of England. He himself gave the example, and with his own hands set fire in the morning to the house in which he had rested the last night. The castles, towns, and villages, were given to the flames. The monk of Melrose confines his description to the neighbourhood of his own monastery, Jan. where, within the space of eight days, Morpeth, Mitford, 7-16. Alnwick, Wark, and Roxburgh, were entirely consumed. John declared that he would unkennel the young fox, alluding to the ruddy complexion of Alexander, and his recent attempt to acquire Northumberland: the king's foreign mercenaries pursued him into

* Mailros, 189. Lanercost, 17. Anderson's Independence of Scot.
App. No. 26.

† Rym. i. 206.

Jan. 18—21. the neighbourhood of Edinburgh; and in their return they gratified the resentment of their master by reducing to ashes the towns of Haddington, Dunbar, and Berwick. But it was not with the towns only that the king warred: the miserable inhabitants were abandoned to the cruelty of his rapacious followers, without respect of age or sex, rank or profession. The tortures which they suffered are too shocking to be related. Whoever possessed any thing was compelled to deliver all for his ransom. Of those who had nothing, many perished under the hands of the torturers; some by fallacious promises purchased a short respite to be succeeded by more exquisite torments. Nor were the plunderers in the south, if we may believe the monk of St. Alban's, behind their fellows in cruelty and rapacity. Wherever the royal forces could penetrate, the inhabitants fled to the forests and mountains; the labours of agriculture were suspended; and the only markets were held in the churchyards, which, as they possessed the right of sanctuary, were generally, but not always, respected by the marauders*.

From the walls of the capital the barons beheld the devastation of their country, but dared not hazard an attempt against the hordes of adventurers who followed the royal standard. In the north two castles alone remained in their hands: everywhere their lands had been ravaged, and then, with a liberality which cost nothing to the donor, had been granted in fee to the chiefs of the foreigners. Many days were spent in anxious debate and unmanly lamentation. They consulted and hesitated; resolved and changed their resolves; till, as a last resource, it was unanimously determined to offer the crown to Louis, the eldest son of the king of France. He was allied to the family of Plantagenet by his marriage with the niece of John; and it was presumed that the mercenaries would refuse

* Compare Mailros, 189, 190, and Lanercost, 17, 18, with Paris, 230—232.

to bear arms against the son and heir of their natural sovereign. To the ambition of Louis no offer could have been more acceptable; but, unwilling to trust himself to the doubtful faith of the barons, he demanded and received twenty-four hostages, sons of the noblest families in England. A fleet, carrying a numerous band of French knights, soon ascended the Thames; and a letter from Louis assured the confederates that he would visit them at Easter with a powerful army. It chanced that the legate Gualo, or Walter, cardinal of St. Martin's, was passing through France on his way to the British isles. He determined to prevent, if it were possible, an expedition so hostile to the views of the pontiff; and finding that his solicitations were disregarded, forbade, under the penalty of excommunication, either father or son to invade a kingdom which was a fief of the holy see. Philip affected to hesitate; but April Louis hastily turning towards him, said; "I am your 26.
"liege man, Sir, for the fees which you have given me:
"but with the kingdom of England you can have no
"concern; and I put it to the judgment of my peers,
"whether you ought to prevent me from obtaining a
"crown, to which in right of my wife I can show a law-
"ful title." Without waiting for an answer, he departed,
and ordered his retainers to rendezvous at Calais*.

The reader has probably been startled at the mention of this unexpected right. He will soon learn the arguments by which it was supported, arguments so weak, that they were probably advanced for the sole purpose of gaining time. The agents of Louis arrived at Rome, were introduced to the pontiff, and assured him that their master was an obedient son of the church; that he had not undertaken the expedition to carry assistance to the excommunicated barons, but solely to assert the title of his wife Blanche to the crown of England. This title they asserted to rest on the ground that John was

* Paris, 226. West. 276.

not king by right: for, 1°. he had been attainted of treason in the court of his brother Richard, and therefore was incapable by law of ascending the throne; and, 2°. he had been found guilty of felony and murder by his peers in the court of his lord the king of France, and had of consequence forfeited the crown, even in the supposition of his having previously possessed a just title to it. Innocent smiled at these arguments, and requested to know how Blanche came to be the next heir? Where were the children of John, or his nephew Otho, or the mother, the brother, and the elder sister of Blanche? To this question it was replied that the children of John were born after his condemnation, and could claim no right with which their father was not invested at the time of their birth: that neither could the issue of Geoffrey, duke of Bretagne, nor of Matilda, duchess of Saxony, possess any title, because that prince and princess were both dead when sentence was passed on their brother. But the queen of Castile was then living, and therefore became the true heir; and Blanche, though she was not the eldest of her children had a right, as long as the nearer heirs were silent, to put in her claim. Louis certainly meant to conquer the English crown; but if any other person should come forward, and show a better right, he was willing that justice should be done. Such reasoning might amuse, it could not satisfy the mind of the pontiff. He waited however till he had received dispatches from the legate, and then solemnly excommunicated Louis and his abettors. Soon afterwards he commanded the archbishop of Sens to fulminate a similar sentence against Philip: but the French bishops, in a Synod at Melun, resolved to disregard the papal mandate, on the ground that the pope had not been truly informed. That Innocent would have launched his anathemas against their disobedience cannot be doubted; but in a few weeks that active and fearless pontiff expired: his death suspended all ecclesiastical proceedings at Rome; and John saw

July
16.

himself deprived of his most powerful friend at a moment when he stood in the greatest need of his protection.

At the appointed time Louis departed from Calais with a fleet of six hundred and eighty sail. The weather was stormy, and dispersed the ships: many were taken by the mariners of the cinque ports; and John with a numerous army lay in the vicinity of Dover. But his heart failed him at the approach of the enemy: he feared that his mercenaries might desert: decamped on a sudden, and ravaging the country as he passed, retired through Winchester to Bristol, where he was joined by the legate. The French prince, having waited three days for the stragglers, landed at Sandwich, besieged and reduced the castle of Rochester, and hastened his march to the capital. He was received in procession by the barons and citizens, and conducted to St. Paul's, where, after he had made his prayer, he received the homage of his new subjects, and took a solemn oath to govern them by good laws, to protect them against their enemies, and to reinstate them in their former rights and possessions*. By his affability Louis charmed the natives, and won their confidence by appointing Simon Langton, the brother of the primate, to the office of chancellor. The campaign was opened with the fairest promise of future success. All the counties in the neighbourhood of the capital submitted: the men of Lincolnshire and Yorkshire, with the king of Scots, declared in his favour: the foreigners who had

May
6.May
21.May
27.July
19.May
30.June
3.June
14.

* Paris, 237. Chron. Dunstap. 75. In the New Rym. i. 140, we have the manifesto of Louis in support of his claims, in which we are told that judgment of treason had been pronounced against John by Hugh Pudsey, bishop of Durham, in the court of king Richard. It is moreover asserted that he had repeatedly confessed the murder of prince Arthur; that he had succeeded to the throne, not by hereditary right, (for that he had forfeited by his treason,) but by election; that he had afterwards subjected the kingdom, as far as lay in him, to the pope, without the consent of his barons; that he had next agreed that if he infringed again the rights of the barons, they should be at liberty to withdraw their fealty to him; and that they, provoked by his subsequent tyranny, had actually deposed him, and chosen Louis: whence it followed that Louis, both by inheritance and election, was king of England.

hitherto swelled the army of John began, with the exception of the natives of Gascony, either to join his standard, or to return to their homes; and at his summons several of the royal barons, perhaps through fear of his power, perhaps with the view of spreading disaffection among his adherents*, hastened to do him homage and to swear fealty. Still the spirits of John were upheld by the arrival of Gualo, who fought most manfully with his spiritual weapons, and by the knowledge that, if his rival had gained possession of the open country, yet every fortress of importance was garrisoned by his own troops. To reduce these fortresses was the next object of the confederates. Louis besieged the castle of Dover; the barons, under the earl of Nevers, that of Windsor. The prince had received from his father a military engine of the most formidable description, called the *mal-voisin*, or bad neighbour, with which he expected to make a breach in the walls. But the garrison kept him at too great a distance, compelled him to turn the siege into a blockade, and employed him in this useless project during the space of four months.

July 25. The tediousness of the siege was partially relieved by the arrival of a royal vassal, Alexander, king of Scots, who, in consequence of a summons to that purpose, after the reduction of Carlisle, marched through the heart of the kingdom within sight of John, visited Louis at Dover, obtained a confirmation of the cession made to him by the barons, did homage in London, and returned to his own country without molestation†.

Aug. 8. While his enemies lay before the two castles, the king had improved the opportunity to pillage their estates, and intercept their supplies. He was at Wallingford, when the barons, by the persuasion of the earl of Nevers,

* Mailros, 191. Among them was John's brother William, earl of Salisbury. But his desertion was the effect of resentment: *quia ei innotuit dictum Joannem regem cum ipsius uxore rupto fœdere naturali commississe incestum.* Gul. Armor. 90.

† Mailros, 191. Paris, 241. Dunstap. 76. Anderson's Independence of Scot. App. No. 26.

whom they afterwards charged with perfidy, undertook to surprise him. They raised the siege, and marched rapidly to Cambridge: but the king, anticipating their Sept. object, had already passed through that city, and retired 16. as far as Stamford. Foiled in this attempt, they returned to join Louis at Dover, while John reduced Lincoln, and again distributed among his followers the lands Sept. belonging to the confederates. The royal cause began 22. to assume a more promising aspect. The two last months had been wasted in idleness by the French prince; the men of the cinque ports perpetually intercepted his supplies from France; associations against him had been formed in Hampshire, Sussex, Surrey, and Kent; and John, to invigorate the efforts of his friends, had not been sparing of promises to enlarge the privileges of those who were free, and to bestow liberty and rights on those who were not*. Louis, by grants to his own countrymen, particularly of the earldom of Winchester to the count de Nevers, and of that of Lincoln to Gilbert de Gand, had alarmed the English barons†; and it was whispered that the viscount de Melun had confessed on his death-bed that he had sworn with the prince and fifteen others to treat the natives as men whose perfidy to their late was an earnest of future perfidy to their new sovereign‡. They became jealous of their allies: several barons and knights actually joined, and forty others on the promise of pardon offered to join, the royal standard§. The king returned from Lincoln through Grimsby and Spalding to Oct. Lynn, a town strongly attached to his interests, and the 2. general depôt for his supplies and treasures. Thence Oct. he marched to Wisbeach, and resolved to proceed athwart 9

* Eym. i. 214. Rot. Pat. 124.

† Paris, 240. Dunst. 76.

‡ Paris, 241.

§ Paris, 242. Dunst. 78. In detailing the motions of the king I have deserted Paris, who is evidently mistaken, and have adopted the route and dates which Brady has extracted from the rolls. Brady, ii. 514. Mr. Daffus Hardy has since published a most valuable itinerary of John in his preface to the Patent Rolls.

- Oct. the Wash from the Cross Keys to Fossdike. The army
 12. had already reached the land; but looking back, John
 Oct. beheld a long train of waggons and sumpter-horses,
 14. which carried his jewels, insignia, and money, swallowed
 up in a whirlpool, caused by the afflux of the tide and
 the current of the Welland. With a heavy heart he
 proceeded to the Cistercian convent of Swineshead,
 where fatigue, or anxiety, or poison, or a surfeit (for all
 these causes are mentioned) * threw him into a danger-
 ous fever. He set out, however, in the morning; but
 was obliged to exchange his horse for a litter, and was
 conveyed with difficulty to the castle of Sleaford. There
 he passed the night, and dictated a letter to the new
 Oct. pope Honorius III., recommending in the most earnest
 15. terms the interests of his children to the protection of
 Oct. that pontiff†. The next day conducted him to the
 16. castle of Newark; where, sensible of his approaching
 fate, he sent for a confessor, appointed his eldest son
 Henry to succeed him, and executed a short will, by
 which he left the disposal of his property to the discre-
 tion of certain trustees, and his body to be buried at
 Worcester, near the shrine of St. Wulstan. He expired
 Oct. three days later, in the forty-ninth year of his age, and
 19. the seventeenth of his reign‡.

When Giraldus delineated the characters of the four
 sons of Henry, John had already debased his faculties
 by excess and voluptuousness. The courtly eye of the
 preceptor could indeed discover the germ of future ex-
 cellence in his pupil||: but history has recorded only
 his vices: his virtues, if such a monster could possess
 virtues, were unseen or forgotten. He stands before
 us polluted with meanness, cruelty, perjury, and mur-
 der; uniting with an ambition, which rushed through
 every crime to the attainment of its object, a pusillani-

* Paris, 242. West, 276. Wikeg, 38. Waverl. 182. Heming, 560.

† Apud Raynald, i. 231.

‡ Paris, 242. West, 276. New Rym. i. 144.

|| Girald. 753.

mity which often, at the sole appearance of opposition, sank into despondency. Arrogant in prosperity, abject in adversity, he neither conciliated affection in the one, nor excited esteem in the other. His dissimulation was so well known, that it seldom deceived: his habit of suspicion served to multiply his enemies; and the knowledge of his vindictive temper contributed to keep open the breach between him and those who had incurred his displeasure. Seldom perhaps was there a prince with a heart more callous to the suggestions of pity. Of his captives many never returned from their dungeons. If they survived their tortures, they were left to perish by famine. He could even affect to be witty at the expense of his victims. When Geoffrey, archdeacon of Norwich, a faithful servant, had retired from his seat at the exchequer on account of the interdict, the king ordered him to be arrested, and sent him a cope of lead to keep him warm in his prison. The cope was a large mantle, covering the body from the shoulders to the feet, and worn by clergymen during the service. Wrapped in this ponderous habit, with his head only at liberty, the unhappy man remained without food or assistance till he expired*. On another occasion he demanded a present of ten thousand marks from an opulent Jew at Bristol, and ordered one of his teeth to be drawn every morning till he should pay the money. The Jew was obstinate. The executioners began with his double teeth. He suffered the loss of seven; but on the eighth day solicited a respite, and gave security for the payment†.

John was not less reprehensible as a husband than he was as a monarch. While Louis took from him his provinces on the continent, he had consoled himself for the loss in the company of his beautiful bride: but he soon abandoned her to revert to his former habits. The licentiousness of his amours is reckoned by every

* Paris, 192. Chron. Dunst. 57.

† Ibid.

ancient writer among the principal causes of the alienation of his barons, many of whom had to lament and revenge the disgrace of a wife, or daughter, or sister Isabella, to punish the infidelity, imitated the conduct of her husband. But John was not to be insulted with impunity. He hanged her gallants over her bed *. She bore him three sons, Henry, Richard, and Edmund; and three daughters, Jane, Eleanor, and Isabella. His illegitimate children were numerous. Nine sons and one daughter are mentioned by historians.

* See Paris, 275. West 276. Girald. 812. Heming. 557, 558. These statements of the chroniclers may, after all, have no other foundation than the unauthenticated scandal of the day. There is, indeed, on the patent rolls an entry which, as Mr. Hardy observes, (Rot. Pat. xiv.) may show that she had lost the confidence of the king. Theodoric Tyes is ordered to go with her to Gloucester, and to keep or guard her (custodiat) in the chamber in which the princess Joan was nursed. Rot. Pat. 134. But in the accompanying order to the sheriff there is nothing to justify the suspicion that she was a prisoner. He is to receive them and take care that the queen be in the chamber already mentioned. Rot. Claus. 180. It appears to me, from a diligent comparison of the dates to the entries on the rolls, that the king, as he was always on horseback, and moving from one place to another, in order to spare the queen the fatigue of accompanying him, sent her beforehand under the care of Theodoric, and by easy stages (*per rationabiles dietas*, Rot. Claus. 177) to some castle in which he might again meet her. When he went to France in 1214 he left her under the care of the abbot of Beaulieu, sent for her to Poitou, (Jun. 19,) and on his return to England, (Oct. 15,) took her with him to Writtle in Essex. Thence (Nov. 3) Theodoric was ordered to accompany her to Gloucester, as is already mentioned, where the king joined them soon afterwards. From Gloucester she went to Winchester, to Marlborough, and to Bristol, always in the company of Theodoric, and was at all these places occasionally visited by her husband. The German, who was the king's most intimate favourite, may have been a spy on her conduct; but he always appears in these documents as the chief officer in her service. He gives directions for gowns for her and her maids, orders necessities for her household, and receives money for her use. See Rot. Pat. 117. 136. 192. Rot. Claus. 238. 242. 286.

CHAPTER II.

HENRY III.

CONTEMPORARY PRINCES.

<i>Emp. of Ger.</i>	<i>K. of Scot.</i>	<i>K. of France.</i>	<i>K. of Spain.</i>
Otho IV. 1218.	Alexander II. 1249.	Philip Augustus. 1223.	Henry I. ... 1217.
Frederic II. ... 1250.	Alexander III.	Louis VIII. 1226.	Ferdinand III. 1252.
Interregnum of 93 years. 1272.		Louis IX. ... 1270.	Alphonso X
		Philip III.	

Popes.

Honorius III., 1227. Gregory IX., 1241. Celestin IV., 1241. Innocent IV., 1254. Alexander IV., 1261. Urban IV., 1264. Clement IV., 1268. Gregory X.

Coronation of Henry—Departure of Louis—Rivalship of the Ministers—Fall of Hubert de Burgh—Disputes with Scotland—With Wales—With France—Papal claims—Tallages—Provisions—Acceptance of the crown of Sicily—Controversy between the King and Barons—Provisions of Oxford—Battle of Lewes—Victory of Evesham—Death of the King—Commons in Parliament—Laws and Police—English Bishops.

HENRY of Winchester had just completed his tenth year, when he found himself, by the sudden death of his father, in possession of the title, but with little of the power, of a king. In the capital and the opulent provinces of the south Louis reigned almost without an opponent: in the other counties his partisans were the more active, and his cause the more popular; and on the west and north the princes of Wales and the king of Scotland had acknowledged his authority, and become his vassals. Still the son of John could depend on the

swords of the barons and foreigners, who had remained faithful to his father, on the powerful protection of the holy see, on the wavering disposition of the natives who adhered to his rival, and on the pity which would naturally be excited by his youth and innocence. On the
Oct. 28. tenth day after the decease of the late monarch he was led to the abbey church of Gloucester; and having taken the oath usually administered to the English kings, and sworn fealty to pope Honorius, was crowned by the legate Gualo, and the bishops of Winchester, Exeter, and Bath; who placed on his temples a plain circle of gold in lieu of the crown, which had been lost with the rest of the royal treasures. The next day a proclamation was issued, in which the new king, lamenting the dissension between his father and the barons, a dissension which he should for ever dismiss from his memory, promised to all his subjects a full amnesty for the past, and their lawful liberties for the future; required the tenants of the crown to do homage and swear fealty to himself as their legitimate sovereign; and forbade any person to appear in public during the next month without a white fillet round the head in honour of his coronation. The care of his person was intrusted to the earl of Pembroke, earl marshal, with the title of guardian of the kingdom*.

Nov. 12. A great council had been summoned to meet in a fortnight at Bristol, and was attended by all the bishops and abbots, by several earls and barons, and by many knights, who took the oath of allegiance, and performed the feudal ceremony of homage. But the great object of the meeting was to reconcile the claims of the crown with those of the subject, to satisfy the demands of the adverse barons, without trenching too deeply on the royal prerogative. For this purpose the great charter was revised, and cut down from sixty-one chapters to forty-two. 1°. Every clause of a temporary nature, or

* Rym. I. 215. Paris, 243. Wikes, 38.

which personally regarded the late king and his opponents, was struck out. 2°. Several clauses were omitted which appeared to bear hard on the ancient claims of the crown; particularly those which related to the right of levying aids and scutages, and of convoking the great council; which abolished the abuses of forests and foresters, warrens and warreners, sheriffs, bailiffs, and other royal officers; which required notice to be given to the relations before the marriage of the heir; which granted the liberty of egress out of, and ingress into the kingdom; and which allowed the goods of persons dying intestate to be divided among their relations after the payment of their just debts. But it was distinctly stated that these provisions had not been repealed. Their operation was only suspended till they could be submitted to the consideration of a full assembly of the barons of both parties*. 3°. Some improvements were introduced. The lord was forbidden to assume the custody of the person and lands of the heir till he had received the homage of his ward; because, before that homage he was not bound to defend the interests of his vassal. All the provisions respecting wardships were extended to the custody of vacant benefices, with this exception, that such custody should not be sold. The rate at which carriages might be taken for the king's use was fixed†; and some regulations were added respecting the payment of his debts. The ratification of the charter in this form was received with gratitude by the royalists: nor was it violently condemned by their opponents, when they learned that the clauses which had been omitted were still reserved for future discussion‡.

If Louis had rejoiced at the death of John, he now

* Quia quædam capitula in priore charta continebantur, quæ gravia et dubitabilia videbantur, scilicet de scutagiis placuit supradictis prelati et magnatibus ea esse in respectu, quousque plenius consilium haberimus. Mag. Char. i. Hen. III. c. 61. Chart. of Liberties, p. 16.

† Hence it appears, that the hire of a cart with two horses was antiquated 10d.—with three horses 11d. per day. Mag. Chart. c. 23.

‡ Compare the charter of the 17th of John with that of the 1st of Henry. See also Rym. i. 215.

discovered that the son would prove a more formidable competitor than the father. The youth and innocence of Henry excited universal compassion. John indeed, it was said, had been a tyrant : but what crime had the prince committed, that he should forfeit the crown, to which he was born ? His rival was a Frenchman, who daily betrayed an unjust partiality in favour of his countrymen. Even now, while his success depended on the efforts of his English adherents, many a native saw with indignation the honours which he claimed as a right bestowed as a reward by this foreign prince on his foreign retainers. To aid such favourable impressions, and to foment the jealousy and discontent of their adversaries, became the policy of Gualo and Pembroke. To all who returned to their allegiance their former liberties were confirmed : tales of the arrogance of the French, and of their contempt for the natives, were industriously circulated ; the report of a conspiracy against the chief of the English nobility was revived and believed ; and the minds of men were awed and confounded by the weekly repetition of the excommunication fulminated against Louis and his adherents. Neither did the pontiff forget the interests of his young vassal. By his letters he stimulated the zeal of the legate, and sought to awaken sentiments of loyalty in the barons. To justify their rebellion, he observed, that they had formerly alleged the tyranny of John. But that plea must now be abandoned. The tyranny of John had perished with the tyrant ; and, if they persisted to oppose the succession of his son, they would prove that their former assertions were but pretences, and that they had been actuated by motives which they were ashamed to avow*. By these means a revolution was gradually wrought in the public mind to the advantage of Henry ; and the hopes of the royalists were cheered by the return of the earl of Salisbury and of several knights, who came to swear fealty to their native

* Ep. Honor. apud Raynald. i. 232.

sovereign. Even William D'Albiny, as soon as he had recovered his liberty by the payment of six thousand marks, unfurled the royal standard*.

Louis had at last raised the siege of Dover, and, to compensate himself for the loss of his time at the foot of that fortress, had taken the two castles of Hertford and Berkhamstead. Pembroke surrendered to him two Dec. 6. others as the price of a truce till the festival of Easter; a Dec. suspension of hostilities equally useful to both parties. 20. The French prince employed the interval to revisit the continent, and collect a numerous band of auxiliaries: the marshal profited by his absence to detach more of the confederates from his interests. At the termination of the armistice hostilities recommenced with the siege of Montsorel by the royalists. To relieve the fortress, A. D. 1217. the confederate army, to the number of six hundred knights and twenty thousand men, marched from London under the command of the count of Perche. Apr. 30. Its route was marked by every kind of excess, particularly on the part of the foreign infantry, whose nakedness was clothed, and poverty enriched, at the expense of the natives. The royalists did not wait their approach; and the confederates, instead of pursuing the fugitives, entered Lincoln amidst the acclamations of the inhabitants, and besieged the castle, which was gallantly defended by a celebrated heroine, Nichola de Camville. Pembroke immediately summoned the tenants of the crown to meet him at Newark, and was able to number among his followers four hundred knights with their esquires, two hundred and fifty cross-bowmen, and a numerous May 14. body of infantry. Three days were employed in marshalling the army, and in performing the duties of religion; for the legate had given a religious character to the expedition. He exhorted the soldiers to fight for their God, their king, and their country; excommunicated all their opponents; and imparted to the combat-

* Paris, 245. Dunstap. 78, 79. Rym. i. 216.

ants the privileges usually granted to the crusaders.

May 18. They marched from Newark in seven divisions with white crosses sewed on their breasts: the bowmen kept a mile in advance, and the baggage a mile in the rear. This disposition deceived the confederates, who, taking the baggage for a second army, unwisely shut themselves up within the walls, and at the same time, by way of bravado, made a brisk assault on the castle. But the bowmen, who had been admitted by a postern into the fortress, thinned with their arrows the ranks of the assailants, and, by killing the horses of the knights, laid them in their armour on the ground. The rest of the royalists wheeling round, burst open, after a sharp conflict, the northern gate; and at the same moment a sortie was made from the castle. Dismay and confusion now spread through the ranks of the barons. The most spirited, unable to withstand the torrent that rushed into the city, were carried before it: the crowd ran to the opposite portal; but the narrow and winding passage was soon choked, and the fugitives were compelled to recoil on the pursuers. The meaner combatants met with no mercy: but little noble blood was spilt by the victors, who, prompted by relationship or the hope of ransom, sought not to slay, but to capture their enemies. The count of Perche alone lost his life. He fought in a churchyard, till his horse was killed; and, when a voice called out to him to accept of quarter, he replied with an oath that he would never surrender to an English traitor. Irritated by the reproach, a soldier thrust his pike through the eye of the count's visor into his brain. The number of the captives amounted to three earls, eleven barons, and four hundred knights. Two hundred others escaped by different roads to London: the foot soldiers, seeking to follow them, were massacred by the inhabitants of the villages which lay in their route.

This victory, which secured the crown on the head of the young king, was called in the quaint language of the time, "the fair of Lincoln." There were few of the

conquerors who were not enriched by it. As soon as resistance ceased, the city, which had long been distinguished by its attachment to the barons, was given up to pillage. Even the privileges of the churches could not save them from the rapacity of the royalists. But the fate of the women and children was more deplorable. When the gate was forced, they crowded for security into the boats on the river. Some sank under the weight; others were lost by mismanagement; and of the fugitives the greater part was drowned*.

The destruction of his army confined Louis within the walls of London; where, though he had built up all the gates except one, and had compelled the citizens to renew their oaths of allegiance, he was perpetually alarmed with the discovery of conspiracies against him. His only hope rested on the exertions of his consort, Blanche of Castile, who in person solicited aid from the most powerful of the French nobles. At length an armament of eighty Aug. large vessels, besides galleys and smaller ships, put to sea from Calais under the command of the celebrated pirate Eustace le Moine. To oppose this formidable fleet Hubert de Burgh, the justiciary, had collected forty sail from the cinque ports: but the disparity of force was so alarming, that several knights refused to embark, under the pretence that they were not acquainted with the manner of naval engagements. Nor was Hubert himself unaware of the danger. Before his departure he received the sacrament in private, and gave the most positive orders that the castle of Dover should not be surrendered to the enemy on any terms, not even to save his own life, in the event of his being made prisoner. The English were soon in sight of the French, sailed past them, as if their object were to surprise Calais, and suddenly tacking, bore down in a line on their rear. The bowmen and archers began the engagement with a volley

* See Paris, 247—248. Dunstap. 80—82. Waverley, 183. Mail. 94. Gul. Armor, 90.

of arrows: as soon as the ships came in contact, they were fastened together with chains and hooks: powder of quicklime was scattered in the air, that it might be carried by the wind into the eyes of the enemy; and the English, leaping on board with axes in their hands, rendered the ships unmanageable by cutting the rigging. The French, unaccustomed to this manner of fighting, made but a feeble resistance; and only fifteen vessels out of the whole number escaped. One hundred and fifteen knights with their esquires, and more than eight hundred inferior officers were taken. Eustace, who had secreted himself in the hold of his ship, offered a large sum for his ransom: but Richard Fitzroy, one of John's illegitimate children by a daughter of the earl Warrenne, spurned the proposal, and instantly struck off his head, which was afterwards carried on a pole from town to town, as a proof of the victory*.

Sep. 11. With this fleet perished the hopes of Louis; who, on the approach of the royal army, gladly accepted the offer of an accommodation made by the legate and the earl marshal. It was agreed that he should give back to the English barons their fealty and homage, and then Henry should grant to them a full amnesty on their return to their allegiance; that peace on similar terms should be offered by Henry to the king of Scots and the prince of Wales; and that arrangement should be made for the discharge of debts, and the ransom and liberation of prisoners of war†. This is what appears on the face of the instrument interchanged between the parties: but in addition, Henry paid to Louis the sum of ten thousand marks to enable him to discharge his debts; and Louis made, so we are told, a promise to Henry, confirmed by oath, that on his accession to the French throne he would restore all the provinces which formerly belonged to Henry's father: a promise, which indeed was the most

* Paris, 250, 251, with the var. lect. Waverley, 183. Mailros, 193. Gul. Armor. 90. Lanercost, 34.

† Rym. i. 221.

that could be given by a prince not yet in possession, but which it was plain that he would not have the will, when he came into possession, or, if he had the will, would not have the power, to execute*. After the departure of Louis with his countrymen, the king of Scotland was the first to take advantage of the pacification. He came to the faith and service of the young king, and did his devoir to him at Northampton†. Llewellyn after some hesitation followed his example, and did homage to his sovereign lord at Worcester‡.

Dec.
19.
A. D.
1218.
Mar.
11.

The departure of Louis secured the crown to Henry: but the young king had not a single relation to whom he could recur for advice, or to whom he might intrust the care of his interests. Even the queen mother, who by her misconduct had already forfeited the confidence of the nation, abandoned her son to hasten back to France, and marry her former lover, the count of La Marche. But Honorius, as feudal superior, declared himself the guardian of the orphan, and commanded Gualo to reside near his person, watch over his safety, and protect his just rights. The legate discharged his trust with fidelity, and found in the earl marshal a coadjutor actuated by the same zeal, and concurring in the same sentiments. The itinerant justices were ordered to summon all knights and freemen to their courts, and to administer to them an oath, that they would keep the king's peace, observe the good laws and rightful customs of the realm, and at command of the king and council assemble and oppose

A. D.
1217

* Paris, 251. Rot. Claus. 360. 369. 377. 381. 415. 465. Louis and his followers at their departure were absolved by the legate from all ecclesiastical censures, on condition that he should give the tenth of his income for two years, *they* the twentieth of theirs, towards the support of the Christians in the Holy Land. This regarded the laymen; the clergymen, for having celebrated in defiance of the interdict, were condemned to go seven times in the first year into the choir of the cathedral before mass, *déchausser et en chemin se, tenant des verges, et seront fustigiez par le chantre. Thes. des Chartes, 113.*

† Rym. i. 924. Alexander Rex Scotie venit ad fidem et servitium nostrum, et nobis fecit quod facere debuit. Rot. Claus. 348.

‡ Rym. i. 225. 226.

the enemies of the king and kingdom*. The charter was again confirmed, but with additional alterations. It was provided that the widow should have for her dower the third part of all the lands which had belonged to her husband during the coverture, unless she had been endowed with a smaller portion at the door of the church; that no freeman should lawfully aliene so much of his land, as to render himself incapable of performing his services to the lord of the fee; and, as a check on alienations in mortmain, that no one should give his lands to a religious house, to hold it again of the same house; nor, on the other hand, should any religious house receive lands, to lease them out to the donor. Assizes of darrein presentment were sent back to the justices of the bench; the county courts were ordered to be held only once a month; the Sheriff's tourn only twice in the year; and the view of frankpledge only at Michaelmas. Lastly, it was enacted, that all men should enjoy equal liberties; that escuage or scutage should be levied in the same manner as in the reign of Henry II.; and that every castle built or rebuilt since the commencement of the civil war should be demolished immediately. At the same time the chapters regarding the forests and warrens were withdrawn, to form a new instrument, called the charter of forests. By this all forests enclosed since the death of king Richard were thrown open; all outlawries for offences of the forest incurred within the same period were reversed; the punishment for killing the king's venison was commuted into a heavy fine or a year's imprisonment; the courts of the foresters were regulated, unjust tolls abolished, and the right to cultivate and improve their own lands was confirmed to the holders of estates within the royal forests†. In addition, to prevent the diminution of the revenue, a law was passed,

A. D.
1217.
Nov.

6.

* Dunst. i. 86. Gualo is called the king's tutor et custos. Abbrev. Placit. 103. Rot. 3.

† Brady, ii. App. No. 145. New Rym. 150.

prohibiting the king's ministers, during his minority, to put the great seal to any charter or letter of confirmation or sale, or alienation, or gift in perpetuity, and declaring beforehand all such instruments invalid and of no effect *.

The late contest had generated a spirit of insubordination, which bore with impatience the restraint of legitimate authority ; and the barons of the two parties frequently betrayed the animosity, which still rankled in their breasts, by deeds of outrage or messages of defiance. The legate and marshal sought to heal these wounds by conciliation. Minor transgressions were prudently overlooked : but they visited with severe punishment those excesses, the neglect of which would have argued weakness or timidity on the part of the administration. By degrees tranquillity was restored ; and in the autumn Gualo returned to Rome. He was succeeded by Pandulf, who followed the example of his predecessor, and watched with solicitude over the interests of the young king. His presence was rendered the more necessary by the death of the earl marshal ; after which the exercise of the royal authority was intrusted to Hubert de Burgh, the justiciary, and the custody of the royal person to Peter des Roches, bishop of Winchester. With the former the reader is already acquainted : Des Roches was a Poitevin, who had enjoyed the confidence of John, and more than once had been appointed by him guardian of the kingdom. These ministers were rivals : if the justiciary possessed a greater share of power, the bishop enjoyed more opportunities of cultivating the friendship of his pupil ; and while the one sought the support of the native families, the other proclaimed himself the protector of the foreigners, whom the policy of John had settled in the island. The presence of Pandulf was a constant check on the ambition of these rivals : by his letters and speeches he reproved their negligence, and

A. D.

1218.

Nov.

22.

A. D.

1219.

* New Rym. No. 146. Chart. of Liber. p. 17—21.

stimulated their industry; and by his advice the justiciary and chancellor were made to swear, that during the minority they would not dispose of any of the great fiefs of the crown. He repaired to Wales, and restored peace on the borders: he met the king of Scots at York, and negotiated a peace between the two kingdoms; and by his letters and services he greatly contributed to prolong the truce between England and France*. As doubts had been raised respecting the coronation at Gloucester, that ceremony was again performed with the accustomed solemnity by the archbishop, who, with the permission of Honorius, had returned to England; and the next year Alexander of Scotland married at York Jane, the elder of the two sisters of Henry, and did homage to his brother-in-law. Margaret, one of the Scottish princesses, who had so long been in the custody of the English crown, was also married to Hubert; the other remained single: but a hint was given that Henry meant to associate her with himself on the throne. Pandulf immediately returned to Rome.

During the contest between John and the barons that prince had lavishly distributed the crown lands among his partisans, as well foreigners as natives; and those, who had the command of the royal castles at his death, pertinaciously refused to give them up to the government, alleging that they kept them in trust for the king during his minority. To wrest these fortresses from the hands of the powerful vassals who held them was an important but difficult object. Honorius had instructed Pandulf to insist that no individual should hold at the same time the custody of more than two of the royal castles: he then ordered the bishop and justiciary to de-

* For the services of Pandulf, see his letters in Rym. i. 235—237, 240, 241. It appears that the treaty which William king of Scotland had been compelled to make with John was considered so burdensome, or so disgraceful, that Alexander had applied to the pontiff, to examine it and pronounce according to law, whether it were binding or not. Honorius referred the matter to Pandulf. Ibid. 235. We are ignorant of his decision: but there are several allusions to the meetings and homage in the Close Rolls, 348, 421. 436. 462.

mand from the holders all escheats and wardships ; and at last solemnly declared, at the request and with the assent of the great council, that Henry was of sufficient age to have the free disposal of his lands, castles, and wards, though not to plead or be impleaded in courts of justice. Hubert in the king's name demanded the surrender of the wards and castles ; and the earls of Chester and Albemarle in return made a fruitless attempt to surprise the city of London. Their conduct was arraigned by Hubert, and excused by Des Roches. The discontented barons determined to keep the Christmas at Northampton : but Henry proceeded to that town with the archbishop and bishops, and so numerous a train of earls and knights, that his opponents were intimidated, solicited his pardon, and abandoned all their pretensions *.

A. D.
1223.
Dec.
25.

Another event followed, which established the authority of Hubert, and induced his rival to banish himself from the island, under the pretence of making a pilgrimage to the Holy Land. Among the foreigners enriched by John was a ferocious and sanguinary ruffian, named Fawkes, who held the castle of Bedford by the donation of that monarch. At the assizes at Dunstaple he had been amerced for several misdemeanors in the sum of three thousand pounds : but instead of submitting to the sentence, he waylaid the judges at their departure, and seizing one of them, Henry de Braibrock, confined him in the dungeon of the castle. Hubert willingly grasped at the opportunity of wreaking his vengeance on a partisan of the bishop of Winchester. The king was induced to invest in person the fortress of this audacious rebel ; and the clergy spontaneously granted him an aid from themselves and their free tenants. Two towers of wood were raised to such a height, as to give the archers a full view of the interior of the castle ; seven military

A. D.
1224.

June
5.

June
16.

* Dunst. 136—138. Rym. i. 240. 254. 263. The reason given to the pontiff by the council was, that "the prudence and discretion of Henry was such as to supply the want of age." Paris, Addit. No. 1.

engines battered the walls with large stones from morning till evening; and a machine, termed a cat, covered the sappers in their attempts to undermine the foundations. Fawkes, who had retired into the county of Chester, had persuaded himself that the garrison would be able to defend the castle for twelve months. But the barbican was first taken by assault; soon afterwards the outer wall was forced, and the cattle, horses, and provender in the adjacent ward fell into the hands of the victors; a breach was then made in the second wall by the miners, and the royalists, though with considerable loss, obtained possession of the inner ward; a few days later the sappers set fire to the props which they had placed under the foundations of the keep; one of the angles sank deep into the ground; and a wide rent laid open the interior of the fortress. The garrison now Aug. despaired of success. They planted the royal standard 13. on the tower, and sent the women to implore the king's mercy. But Hubert resolved to deter men from similar excesses by the severity of the punishment. The knights and others, to the number of eighty, were hanged; the archers were sent to Palestine to fight against the Turks; and Fawkes, who now surrendered himself at Coventry, was banished from the island, together with his wife and family. Henry ordered the castle to be razed, and gave the site to the lord Beaumont*.

The consequences of the improvident grants made by the two last monarchs now began to unfold themselves. Under the pretence of resisting an invasion threatened A. D. by the king of France, Henry assembled a great council, 1225. and most urgently demanded an aid. The demand was at first refused: but the wants of the crown would admit of no delay; and, after some negotiation, it was stipulated that a fifteenth of all movables should be granted;

* Paris, 270. Dunst. 142—145. New Rym. 175. Rot. Claus. 632. Annal. Wigorn. 486. I have been more diffuse in relating the particulars of this siege, as it explains the manner in which such operations were conducted.

but on the condition that the two charters should be solemnly ratified *. They had already been confirmed twice since the commencement of his reign : but the king's officers had laughed at their confirmation, and refused to carry their provisions into effect †. Now, however, it was no longer necessary for the barons to take up arms : poverty had subdued the reluctance of the king and his Feb. ministers ; and the two charters were solemnly ratified 11. in that form which they have ever since retained ‡.

The departure of the bishop of Winchester for the Holy Land had left Hubert without a competitor ; and though the pontiff had warned the king not to make himself a member of either party, but to arbitrate as a parent and sovereign between both, Henry willingly lent A. D. to his favourite the whole of his authority. Hubert for 1232. several years reigned without control : others were impoverished by the compulsory resignation of the profits which they had made during the minority ; he was annually enriched by new grants of land, escheats, and wardships : but while he thus attempted to consolidate his own power, he supplied his enemies with weapons of annoyance by repeated instances of rapacity and ambition. An unsuccessful expedition into France, in which he accompanied the king, gave the first shock to his

* Brady, ii. App. No. 150. The money was to be placed in the treasury, and none of it taken out before the king was of age, unless for the defence of the realm, and in the presence of six bishops and six earls. The fifteenth amounted to 59,000*l.* Paris, Addit. No. 1. The ancient mode of laying these imposts will be afterwards explained.

† Dunst. i. 151.

‡ Chart. of Lib. p. 22—27. Annal. Burt. 271—278. Stat. at large, Ann. nono Henry III. Paris tells us that two years later, when Henry came of age, he repealed of his own authority the charter of the forests (p. 283) : but I have learned to doubt the assertions of that writer, when he is not supported by other documents. He has already told us that in 1223 the archbishop had insisted on the ratification of the charters ; that the king promised it, and by his letters ordered inquiries to be made in every county after the liberties enjoyed in the time of Henry II. (p. 266, 267.) Unfortunately for the credit of the historian, these letters are still extant, and prove to be exactly of an opposite nature. The sheriffs are to inquire what customs and liberties John had in every county before the war, and to enforce the same for the benefit of the king. See them in Brady, App. No. 149. and the New Rym. i. 163.

power: it was followed by the ominous return of Peter des Roches, whom Henry received with expressions of the warmest affection*. The fall of the favourite was now confidently predicted: every tongue loudly accused his avarice and despotism; and when, on occasion of an inroad by the Welsh, Henry lamented his want of money, he was told that he might easily extort it from Hubert and his relatives, who for years had been accumulating wealth at the expense of the crown. The advice was adopted; the inferior officers of government were called to account; Hubert received an order to answer for all the wardships which he had held, all the rents of the royal demesnes which he had received, and all the aids and fines which had been paid into the exchequer, from the day of his appointment to the office of justiciary, a period including the whole of the present, and a great part of the late reign; and all persons who conceived that they had been aggrieved by him in the time of his prosperity were invited to bring actions for damages against the fallen favourite. Whether it were that he despaired of justice, or that he was conscious of guilt, he fled to the priory of Merton. At first the king determined to take him away by force, and for that purpose despatched the mayor of London with an armed body of citizens; but on more mature deliberation, and at the petition of his only friend the archbishop of Dublin, the space of five months was granted him to prepare for his trial†.

Hubert, finding himself at liberty, left his sanctuary, and proceeded towards Bury St Edmund's to visit his wife: but the king, who had been persuaded that it was dangerous to permit him to remain at large, despatched a body of three hundred horsemen with orders to arrest

* Paris mentions that in the year 1231 Henry determined not to marry the princess Isabella of Scotland, because she was the younger sister of Hubert's wife (p. 812): yet the truth is, that Isabella had already been married six years to Roger, the son of earl Bigod. Rym. i. 278.

† Paris, 311. 317—319.

and convey him to the Tower. The earl was in bed when he heard of their approach. He arose in haste, fled naked to the parish church of Boisars, and on the steps of the altar, with the host in one hand, and a cross in the other, awaited the arrival of his pursuers. They had no order to take his life ; but placing him on horse back, and tying his feet under the belly, proceeded with their captive towards the metropolis. Henry, however, was aware, that this violation of the privileges of the church would excite remonstrances and opposition. The prisoner was carried back to his sanctuary ; and the sheriff of Essex was charged, under penalty of death, to seize his person, whenever he should attempt to escape. But his escape was rendered impracticable by a deep moat which had been dug, and a line of palisades which had been drawn round the church ; and on the fortieth day hunger or despair induced the unfortunate earl to surrender himself to his guards, by whom he was conducted to the Tower. Henry ordered him to be set at liberty, and to appear in Cornhill before the court of his peers. When the accusations against him had been read, Hubert replied that he should offer no defence ; but that he placed his body, his lands, and his chattels at the king's pleasure. The judges deliberated : they agreed that if judgment were pronounced, they must condemn him to forfeiture and death ; and therefore, with the permission of the prosecutors, recommended his case to the consideration of the king. An award, to which all parties consented, was at length given : the earl forfeited to the crown his goods and chattels, with the lands which he held in chief of the king, retaining for himself and his heirs his patrimonial inheritance, and the lands which he held of mesne lords : four earls undertook to keep him in safe custody in the castle of Devizes till he should enter the order of the knights templars, in the event of his wife's death, or should be discharged by direction of the king and great council ; and Henry pledged his word not to grant him any addi-

Sep.
27.Nov.
10.

tional favour, nor to inflict on him any additional punishment*. But the next year dissensions arose between the king and the barons, and the custody of the castle was given to a retainer of the bishop of Winchester. Hubert, who dreaded to fall into the power of his enemy, dropped from the wall into the moat during the obscurity of the night, and made his way to a neighbouring church. Here he was surrounded by the sheriff and his officers: but in a few days a party of horse overpowered his guards, and conducted him to the earl of Pembroke in Wales. When peace was restored between the king and the barons, at the request of pope Gregory IX., and by the good offices of Edmund, the new archbishop of Canterbury, Hubert was included in the pacification, readmitted into the council, and restored to his estates and honours†.

A. D.
1233.
Oct.
12.
Oct.
15.
Oct.
30.
A. D.
1234.
Apr.
28.

Henry's reign lasted more than half a century. Till the fall of Hubert, he was either a minor, or under the control of that minister: afterwards he was his own master; had the choice of his own ministers, and became responsible for the measures of government. But the transactions which fill the next forty years are so numerous, and frequently so unconnected, that were they to be related in the order of time, the perplexed and broken narrative could only distract and fatigue the attention of the reader. It will therefore prove more convenient, and at the same time more interesting, to class the most important events under the three distinct heads, of the king's wars with foreign powers, his transactions with the pope, and his disputes with his barons.

I. 1. During the whole of Henry's reign the harmony between England and Scotland was never inter-

* Dunst. 208, 209, 221. Paris, 319—322. The mistakes of the last writer are to be corrected by the record, Pat. 17. Hen. III. m. 9. apud Brady, ii. App. No. 152, and New Rym. i. 207.

† Paris, 327, 328, 340, 341. Dunstap. 221. Brady, ii. App. No. 154. Yet five years later a new attack was made upon Hubert, from which he extricated himself by making a present of four castles to Henry. Par. 463.

rupted by actual hostilities: yet several subjects of altercation arose which are deserving of notice, because they prove that the pretensions of superiority, afterwards realised by Edward, were as fiercely maintained by his father. The reader has already seen that Alexander, the second of that name, though he had done homage to king John, readily lent his aid to the discontented barons. When Louis returned to France, the Scottish king was compelled to submit. He did homage to Henry, and a few years later married Jane, the sister of the young king; a connexion which rendered both princes the more willing to adjust their mutual differences without the aid of the sword. When Henry became his own master, Alexander demanded the restoration of the three northern counties as his undoubted inheritance, and the repayment of the fifteen thousand marks received from William by John, which, it was now contended, had not been imposed as a fine, but given as a dower to the two Scottish princesses, who were to have been married to Henry himself, and to his brother Richard*. The king of England not only resisted these claims, but maintained that the homage which Alexander had already done, both to him and to his father, had been liege homage for the crown of Scotland; and prevailed on the pope, Gregory IX., to exhort the king of Scots by letter to fulfil the solemn stipulations which he had made†. After a tedious ne-

A. D.
1221.
June
25.

A. D.
1234.

* When this interpretation of the treaty was objected to Hubert, who had married the elder sister, he replied that he knew of no such conditions. The princesses had been delivered to John, to marry them to whom he pleased, with the advice of his barons.—Paris, Addit. No. 1. That Hubert was right, appears from the convention in 1220, between Henry and Alexander, in which the Scottish king promises to marry a sister of Henry within four months, and the English king to restore the two sisters of Alexander within a year, *unless he should find them husbands in England*, ad honorem nostrum et ipsius regis Scotiæ. According to the N. Rym. (193), the wife of Alexander was Margaret, the daughter, not Jane, the sister, of Henry. But the instrument there published was executed not by Alexander II. in 1229, but by Alexander III., more than thirty years afterwards.

† Rym. I. 334, 335. The Scottish writers say the homage was for lands in England. Mail. 195. Ford. ix. 31. Yet there is reason to believe that

gotiation, a compromise was mutually accepted under the auspices of the cardinal Otto. The Scottish king renounced the claims which he had made, received in return grants of lands at Penrith and Sowerby, to the yearly value of two hundred pounds, performed homage for this his new acquisition, and by a formal deed subjected himself and his heirs, if he or they should break their engagements, to the spiritual censures of the Pope, or of his delegate the archbishop of Canterbury*. The question respecting the nature of his former homage remained undecided for the present, but was revived after the death of Jane. Alexander contended that he did not, and would not, hold a particle of Scotland under the crown of England; and Henry, to enforce his pretensions, assembled a numerous army at Newcastle. The Scottish king thought it prudent to negotiate; and consented to an arrangement by which, though he eluded the express recognition of feudal dependence, he seems to have conceded to Henry the substance of his demand. He promised and swore that he would always bear good faith and love to his dear and liege lord Henry, king of England, and would never enter into alliance with the enemies of Henry or of his heirs, unless they should first unjustly aggrieve him; and his bishops, earls, and barons swore that they and their heirs would never aid Alexander or his successors to break, but would do all in their power to induce him and them to observe this promise†.

A. D.
1244.
Aug.
13.

Alexander did not at that time hold any lands in England. See Rym. ii. 266.

* It has been pretended that by this compromise the question of homage for the crown of Scotland was determined against the king of England. But the instrument itself is a clear refutation of the supposition. Its professed object is to put an end to the claims, not of Henry against Alexander, but of Alexander against Henry. It specifies all those claims, and enumerates all the particulars of the compromise. Nowhere does it even allude to Henry's claim of superiority over the crown of Scotland; but it includes and extinguishes all the claims against him, *quas idem Rex Scotiæ moverat, vel movere poterat*. Rym. i. 375. Placit. Parl. 35^o Edw. I.

† Paris, 568. Rym. i. 428.

Alexander was succeeded by his son of the same name, and in his ninth year. Henry, in virtue of his superiority, solicited a bull, prohibiting any bishop to crown the young prince without the previous permission of his liege lord; but Innocent IV. refused the application, on the ground that the apostolic see was not accustomed to grant such prohibitions*. Soon afterwards Alexander, in consequence of a treaty previously concluded by his father, came to York to marry Margaret the daughter of Henry †, and did homage to the king "for Lothian and the other lands which he held of the English crown."—But when he was summoned to do homage for his kingdom also, a homage, says the historian, which had been done by many of his predecessors ‡, he was advised to reply, that he came to York to marry the princess, not to treat on matters of state; and that the demand was of too great importance for him to return an answer before he had consulted his barons §. But Scotland was at this period in a state of anarchy. An association was formed to dissolve the connexion with England: Robert de Ros and John Baliol were named regents; and by their orders the young queen was separated from the company of her husband, and confined to a remote part of the castle of Edinburgh. Henry took the nobles of the opposite faction under his protection, ordered his military tenants to join him at York, and sent before him the earl of Gloucester and Robert Mansel, who with the

A. D.
1249.
July
8.

A. D.
1251
Dec.
26.

A. D.
1255

Aug.
10.

* Rym. i. 463.

† On this occasion the English court displayed all its magnificence. One thousand knights in robes of silk attended the bride on the morning of her nuptials. Paris, 716.

‡ It has been stated that the assertion was made not by the historian but by the king. I see not what difference this can make; because in either case the passage proves that an appeal was made to the old chroniclers in favour of the superiority of the English over the Scottish crown forty years before the claim made by Edward I. But that the reader may judge, I subjoin the original passage:—*Et cum super hoc conveniretur Rex Scotiæ ut ratione regni Scotiæ faceret homagium et fidelitatem cum ligantia domino suo Regi Anglorum, sicut fecerunt prædecessores sui regibus Anglorum, prout evidenter in Chronicis multis locis scribitur, respondit Rex Scotiæ, &c.* Paris, 718.

§ Paris, *ibid.*

aid of their friends obtained admission into the castle, and set at liberty the king and queen. They visited
 Sept. 10. Henry, who appointed a new regency, punished the former members, and acted with all the authority of a feudal superior; though, to allay the jealousy of the
 Sept. 20. Scots, he repeatedly declared that these measures should form no precedent injurious to the rights and liberties of the king or people of Scotland*.

2. Of Wales the native sovereign was Llewellyn, usually addressed by Henry with the title of prince of Aberthraw, and lord of Snowdun. He was the vassal of the English crown; but a vassal more inclined to dispute than to obey the authority of his superior. He was also brother-in-law to Henry, having married Jane, a natural child of John, by Agatha, daughter to the earl of Ferrers: but this union had not rendered him the less disposed to assert the rights, or to revenge what he deemed the wrongs of his country. The borderers of both nations were men of ferocious habits, inured to rapine and bloodshed, and always eager to invade their neighbours when it could be done with the hope of impunity. Their incursions were generally distinguished
 A. D. 1228. by deeds of barbarity, which proved that with them plunder was but a secondary object. They were accustomed to murder their captives in cold blood, and to mangle the carcasses of the slain; and instead of carrying off the cattle of the enemy, would drive them into the barns and houses, that they might consume them in the same flames with the buildings†. To complain was fruitless: the aggressor, to whichever party he belonged, could exhibit a long catalogue of trespasses committed by his opponents, and would contend that his own conduct had been regulated by a just regard to the principle of retaliation. Henry often led his army into Wales, and was as often compelled to return foiled

* Rym. i. 558, 559, 560, 562, 865. Duns. 307. Mail. 220.

† See several instances in the annals of Margan, 16, 17, 18. Paris, 310, 569, and the annals of Worcester, 488.

and discontented. Llewellyn, with the aid of his hills and morasses, kept at bay his more powerful antagonist; and, if the king of England employed himself in raising a fortress to check the excursions of the natives, they were already in his rear, demolishing several castles for the one which he had erected. But when Llewellyn died, David, his son and successor, imprisoned Griffith, an illegitimate brother. The wife of the captive ap-^{A. D.}pealed to Henry, who already had summoned David 1241. before him: but the Welsh prince appeased his uncle, Aug. and delivered Griffith into his hands. Three years later 15. the prisoner was slain in an attempt to make his escape from the Tower of London*. By his death the prince^{A. D.} of Aberthraw was freed from the dangerous projects of 1244. a rival; and to free himself from the superiority of the^{Mar.} king of England, he sought to interest the pope in his 1. favour, by offering to hold his principality of the Roman church. Innocent refused the offer†, and Henry^{A. D.} hastened to chastise the disloyalty of his nephew. The 1245. king fortified a castle on the banks of the Conway, ordered a fleet from Ireland to ravage the Isle of Anglesea, and forbade under the severest penalty the introduction of provisions or merchandise from the marches into the territory of his enemies. The natives, confined among the mountains of Merioneth and Carnarvon, were exposed to the extremities of want from the absence of

* See the records in Brady, ii. App. No. 163—171. New Rym. 256.

† Wikes, 45. Walsing. Upod. Neust. 466. If we had no other authority than Paris, we should believe that the offer was accepted, and that Innocent IV., to obtain the yearly payment of 500 marks, accepted the acknowledged vassal of the English crown, as the vassal of the holy see. Par. 550. 552. The amount of the sum is sufficient to throw discredit on the story; and the truth is easily extracted from the original letters, which are still extant. David wrote to the pope, that in his infancy he had been placed by his parents under the particular guardianship of the church of Rome; but that his uncle by violence and threats had compelled him to swear fealty to the throne of England. Innocent replied by ordering two Cistercian abbots to inquire whether these allegations were true, and if they were, to declare that the oath was not binding. Soon afterwards he wrote to the bishop of Carlisle, that he had discovered them to be false, and commanded the prelate to annul any proceedings that might have taken place in consequence of his former letter. West. 312. Rym. i. 425.

provisions, and the inclemency of the winter : but at the death of David, they elected for their chieftains Llewellyn and David, the two sons of Griffith, who solicited the clemency of the king of England, became his vassals, and bound themselves to serve in his wars with five hundred of their subjects*.

3. The reader will recollect that necessity extorted from Louis of France a promise to restore Normandy, Maine, and Anjou, whenever he should succeed to the crown. Philip, his father, died in 1223. The English ministry summoned him to perform his engagement, and received, what must have been anticipated, a peremptory refusal. He was no longer (was his answer) bound by the treaty, since it had already been broken in two instances by the king of England, who had compelled the confederate barons to purchase his favour with large sums of money, and had to the present day withheld from them the liberties specified in the great charter. Nor was Louis content with a mere refusal. As soon as the truce between the two nations expired, he republished the original sentence of forfeiture against king John, entered Poitou with a numerous army, took possession of Rochelle and the other towns by force or bribery, and extended his conquest to the right bank of the Garonne. The English ministry had convened a parliament of the barons at Northampton: but their deliberations were interrupted by the violence of Fawkes; and the siege of the castle of Bedford employed the better part of the summer. At Christmas, after a quarrelsome debate, and the confirmation of the charters, an aid of a fifteenth was granted to the king; and before Easter, Richard, his younger brother, was sent to Bourdeaux, under the guidance of the earl of Salisbury, with a force, too small indeed to attempt any conquest, but sufficiently numerous to defend from insult the province of Gascony. At the request of the

* Paris, 470. 480. 506. 545. 551. 608.

papal legate both crowns agreed to an armistice for twelve months, before the expiration of which the king of France died, and was succeeded by his son Louis IX., in the twelfth year of his age*. The troubles which followed his accession, and the hostility of the most powerful of the peers to Blanche, the queen mother, and the council of regency, offered to Henry, who had now reached his twentieth year, a most favourable opportunity of regaining the patrimony of his ancestors. The king was eager to distinguish himself in so honourable an enterprise; but he also was entangled in quarrels with his barons; and his minister conceived it dangerous to his own interests, either to quit England, or to be separated from his royal master. Year after year the armistice was renewed, till Hubert deemed it politic to yield, in appearance at least, to the clamour which was raised against him. Repeated solicitations had been received from the natives of Guienne; the Poitevin barons had offered to transfer their allegiance to Henry; and many of the Normans had assured him of their undiminished attachment to the representative of the house of Rollo. It was therefore determined that the king should sail to the assistance of Peter of Dreux, in right of his wife, count of Bretagne, who had openly rebelled against Louis. All the barons of England and Ireland, with the princes of Wales, assembled at Portsmouth; and Henry, in the confidence of youth, fancied himself already the conqueror of France, when he was informed that the shipping which had been provided was not sufficiently numerous to carry one half of the army. In an agony of rage he unsheathed his sword, called Hubert a traitor, and was in the act of striking him, when his arm was arrested by the interposition of the earl of Chester. As it was too late in the season to wait for the arrival of

A. D.
1226.
Nov.
8.

A. D.
1229.
Sept.
29.

* The fables respecting his death in Paris, 282, may be compared with the accounts given by eye-witnesses in Spondanus, p. 93.

another fleet, the council deferred the expedition to the next year; and during the winter Hubert found means to justify himself in the opinion of his master. The next spring Henry sailed to St. Malo, and advanced as far as Nantes; while Louis took Angers, Ancenis, and Oudon. Of the succeeding operations, if any operations took place, we have no account. It is said that the king, instead of seeking the enemy, wasted his time in parties of pleasure, refused an invitation from the malcontents in Normandy, proceeded to Gascony to receive the homage of the natives, revisited Nantes, and returned to England. Our historians attribute this conduct to the pernicious influence of Hubert, who was accused, probably without foundation, of receiving a yearly pension from the French queen. A body of five hundred knights and one thousand mercenaries was left with the count of Bretagne, who retook Angers, and burnt a few towns in Normandy*.

A. D.
1230.
May
3.

Oct.
26.

In an age, unable to appreciate any but military merit, the issue of this inglorious expedition added little to the reputation of Henry. He was generally considered as a coward, afraid to fight for the inheritance of his fathers; and his name was made the constant subject of censure and ridicule in the effusions of the Provençal poets. It was not, however, that he wanted the inclination; but, with an exhausted treasury, and involved in repeated struggles with his barons, he had neither the means nor the leisure to engage in foreign expeditions. Ten years elapsed in truces, often broken, and often renewed, during which the king was careful to entertain a constant correspondence with several of the most powerful among the French nobles. The count de la Marche, his father-in-law, whose fealty had always changed with his interests, had done homage to Alphonse, the brother of Louis,

* Paris, 306. 310. Duna, 201. I have related the occurrence at Portsmouth on the faith of Paris, but am inclined to doubt the accuracy of the story.

lately created count of Poitou. At his return he was sharply reprimanded by Isabella his wife. Her pride, if we may believe report, would not consent that her husband should kneel to any but a crowned head: it is more probable that she wished to preserve the rights of her younger son Richard, to whom his brother Henry had some years before given the county of Poitou. La Marche at her instigation rode back to Poitiers, publicly insulted and defied Alphonse, and retired in the midst of his guard of archers, who marched with their bows bent, and ready to oppose force by force. A war was the natural consequence; and Isabella im-
plored the aid of her son, the king of England. In a
great council held in London a supply of men and
money was demanded: but, though Henry urged the
request with earnestness, though his brother Richard,
who had just returned from the Holy Land, supported it
with his eloquence and entreaties, the barons coldly and
inexorably replied, that it was the king's duty to observe
the truce, as long as it had not been violated by the
French monarch. Still Isabella was importunate. His
presence, she maintained, was only requisite. Let him
but appear: he would be joined by all the friends of his
family, and crowds of mercenaries would hasten to his
standard. Deceived by these misrepresentations Henry
sailed from Portsmouth with his queen and brother,
three hundred knights, and thirty hogsheads of silver.
He landed at Royan, near the mouth of the Garonne, May
and despatched ambassadors to Louis. If we may believe
Paris, the French king, troubled in conscience by the
oath of his father, offered to surrender part of Poitou
and Normandy on the condition that Henry should
abandon the traitors to the punishment which they
deserved: but from the king's own letters it appears
that his envoys demanded satisfaction for certain al-
leged infractions of the armistice; that no answer was
returned; and that after a certain number of days he

A.D.
1242
Jan.
27.

19.

July
19.

declared the armistice to be at an end *. When he had collected his vassals and allies, he found himself at the head of twenty thousand men. Louis had marched from Paris with an equal number ; but his army, to use the expression of the historian, was a torrent which, as it rolled on, was continually swelled by the influx of tributary streams. The two kings, as if it had been by mutual consent, reached the small town of Taillebourg about the same time ; and the hostile armies were separated by the narrow, but deep and rapid, stream of the Charente, the bridge over which was commanded by a fort in the hands of the English. When Henry saw the superior number of the enemy, he complained to the count of the deception which had been practised upon him : but, while he was speaking, the French, with their characteristic impetuosity, attacked the bridge. Louis fought at their head : the passage was forced, and the oriflamme, his standard, was unfurled on the left bank of the river. The English, however, made a gallant resistance, and kept the fortune of the day in suspense, till the intelligence arrived that a large body of the enemy had crossed lower down in boats, and were marching to intercept their retreat. Immediately they broke, fled with precipitation to Saintes, and were followed with such eagerness, that some of the pursuers were enclosed and made prisoners in the city. Henry, for greater security, had withdrawn himself from the mass of the fugitives ; but he must have fallen into the hands of the enemy had he not been rescued by the address of his brother Richard. Unarmed, and with the staff of a pilgrim in his hand, the prince offered himself to the nearest corps of the French, and demanded to speak to the count of Artois. By that nobleman he was introduced to Louis, who took the opportunity to thank him for the friendly offices which he had rendered to the

* Rym. i. 403, 404.

French knights in Palestine, and at his request assented to an armistice till the following morning. He little thought of the prize, which he suffered by this condescension to slip out of his hands. The two brothers immediately mounted their horses, and reached Saintes during the night.

With the dawn of the next morning the French were visible from the walls. The count de la Marche immediately sallied out, and by degrees the whole of both armies became engaged. It was not, however, one July battle, but a series of separate actions; for the ground ²⁰ was so intersected with lanes and vineyards, that the combatants fought in small parties, and without communication or concert. Much blood was spilt: but, though both kings claimed the victory, Louis remained master of his position.

The result of these two actions had convinced the count of the danger of his situation. His son Hugh clandestinely left Saintes, and threw himself at the feet of the French monarch, who readily pardoned his father, on condition that he should withdraw his troops from the English army, should cede to Alphonse the castles which had already been taken, should allow three others to be garrisoned for a time by French troops as a security for his future fidelity, and for the rest of his possessions should trust to the pleasure and courtesy of Louis. Henry was sitting down to table when he first heard of this transaction; and the messenger was followed by another, informing him of a secret agreement between the men of Saintes and Louis to introduce the French army into the city during the night. After a short consultation it was determined to retire to Blaye: but the flight was so rapid, that the ornaments of the royal chapel and the military chest were abandoned to the enemy. Louis did not follow the king: a fatal dysentery began to prevail in his army; and the loss of eighty bannerets, and, if we may believe Paris, of twenty thousand men, admonished him to terminate the cam-

paign. A truce for five years was concluded, equally to the satisfaction of both monarchs *.

It was the custom of the age, when opposite claims could not easily be reconciled, to prevent the resumption of hostilities by the repeated renewal of truces. Had Louis been left to his own judgment, peace with England would soon have been signed. He still doubted the justice of the title by which he held the provinces formerly belonging to the English princes in France; and to procure from Henry a renunciation of his rights, would cheerfully have consented to considerable sacrifices. But the French peers laughed at the scruples of their monarch, and contended that he had not the power to aliene the domains of the crown. Negotiations were commenced and interrupted, resumed and suspended: Louis insisted on the cession to him of all claim to Normandy, Maine, Anjou, and Poitou; Henry demanded in return an equivalent; and seventeen years elapsed before the terms could be finally adjusted. The renunciation was at last made; and Louis gave to the king of England the Limousin, Perigord, and Querci, and promised to pay the yearly value of the lands held by the count and countess of Poitou in Xaintonge and the Agenois, and at the death of those princes to transfer them to the English crown. Henry, as duke of Guienne,

A. D.
1259.
May
20.

* In this account I have compared the French historians Nangis and Gaguin with Paris, 514—526. But we possess another narrative of the campaign by Henry himself. According to this he might have occupied Taillebourg, or have destroyed the bridge over the Charente, had he not been perfidiously persuaded to grant a truce to the lord of the town, who offered to return to his allegiance. But when he saw the multitude of the enemy, he ordered, with the advice of his council, an immediate retreat to Saintes. The French endeavoured to surprise him there, but were repulsed with loss. Two days afterwards he retired to Pons; and the count de la Marche abandoned the castle and town of Saintes, which were taken by the French. The king continued his retreat; and the garrison of Pons deserted to the enemy. He fortified Blaye, and waited for the event on the opposite bank of the Garonne; but Louis, after he had remained a fortnight in the neighbourhood, returned into his own territories. This Henry declares to be the truth, and that the reports spread to his prejudice by his enemies are groundless and slanderous. Rym. i. 325—327. By mistake it is printed under the year 1232, the 16th instead of the 26th of Henry, not only in the old, but also in the new Rymer, 206.

and peer of France, engaged to do homage to the French monarch, which he performed in the garden of the Temple at Paris*.

II. The history of Henry's transactions with the court of Rome discloses to us a long course of oppression, under which the English clergy, by the united influence of the crown and the tiara, were compelled to submit to the most grievous exactions. The Christian hierarchy had from the earliest ages been distinguished by a regular gradation of office and authority, from the lowest clerk to the bishop of Rome, who was considered as the chief of the episcopal body, and the vicegerent of Christ upon earth. As the northern nations extended their conquests, they diffused their peculiar notions of jurisprudence through the provinces of Europe : these were insensibly applied to the external economy of religion ; and the constitution of the church became in a great measure assimilated in the ideas of the western Christians to the institutions of a feudal kingdom. The pope appeared to hold the place of the sovereign : the bishops were considered nearly in the light of his barons ; and subordinate to the bishops stood the inferior clergy in the quality of sub-vassals. These feudal notions were strengthened by what seemed feudal ceremonies and claims. The bishop, before he entered on the administration of his diocese, swore fealty to the pope ; and the priest at his ordination, beside the ancient promise of canonical obedience, did homage to his bishop. Then, as the civil sovereign in his necessities required aid from his barons, and through them from their vassals, so the popes in similar circumstances demanded pecuniary assistance from the bishops, and through them from the rest of the clergy. At first these claims were brought forward with modesty and reserve : nor did the ecclesiastics refuse to relieve the wants, or support the splendour, of him whom they revered as their spiritual father, and beneath whose protection they reposed in the peaceful pos-

* Rym. i. 675. 689. Trea. des Chart. 9.

session of their property. But gradually the necessities, and, with the necessities the demands, of the pontiffs were multiplied, till they at length excited the remonstrances and opposition both of the clergy and laity. By accepting the donation of Pepin, and by subsequent acquisitions, the bishops of Rome had joined the concerns of temporal princes with the duties of Christian prelates; and the wars in which they were compelled to engage, sometimes with their own subjects, sometimes with foreign states, entailed on them expenses far beyond the annual amount of their income. This was generally the situation of the popes who governed the church during Henry's reign. Involved in a long and ruinous contest with the emperor Frederic and his partisans in Italy, overwhelmed with an immense load of debt, and forced occasionally to abandon their own dominions for an asylum on this side of the Alps, they looked to the aid of the clergy as offering the surest expedient to satisfy the claims of their creditors, recruit their forces, and recover their former ascendancy. Year after year the English, like every other national church, was called upon to contribute towards the support of the Roman see; and though the generosity or patience of the clergy was soon exhausted, their resistance was seldom successful against the authority of the pontiff, supported as it generally was by the authority of the monarch: for the fate of John had proved an awful warning to Henry, who, unwilling to provoke the enmity of the pope, concurred in every scheme of exaction, unless he were occasionally deterred by the united clamour of the barons and clergy.

The principal grievances which sprung out of this system may be reduced to two heads. 1. The popes, in imitation of the temporal princes, often required a tallage of the clergy, amounting generally to a twentieth, sometimes to a tenth, and on one or two occasions to a larger share of their annual income. These impositions had been originally introduced in the time of the crusades, and had been justified on the ground that the recovery of Palestine was an object equally interesting

to every Christian; and that while the laity cheerfully shed their blood in the sacred cause, the clergy could not refuse to contribute a small portion of their revenues towards its success. But it was soon discovered that every war in which the pontiffs engaged was somehow or other connected with the welfare of religion. When the contest commenced between Gregory IX. and the emperor Frederic, that pope demanded an aid of the clergy: as his affairs grew desperate, his demands were repeated; and under his successor Innocent IV. the frequency and amount of these tallages became an intolerable burden. Innocent, indeed, alleged in justification of his conduct that he was an exile from his dominions; that at Lyons, where he kept his court for ten years, he had no resource but in the contributions of the clergy; and that whatever they gave, was expended in supporting the cause of the church and religion. These reasons, however, did not always convince those who suffered from the annual diminution of their incomes*. In many nations they were answered with complaints; in England they experienced the most decided opposition. The clergy replied, that they deemed it unjust to furnish money, with the conviction that it would be employed against the emperor, who, though the pope had condemned him, was still to be considered as a Catholic prince, since he had offered to submit his quarrel to the decision of a general council—that each church had its own patrimony; nor could the pope with any more justice claim a share in the revenue of *their* churches, than they could claim a share of the revenue of the church of Rome—that, as the law,

* We must except Grosseteste, the celebrated bishop of Lincoln, who in answer to the king's writ inquiring by what authority he raised a tallage for the use of the pope, replied: Non est admiratione dignum, quod cœpiscopi nostri et nos in hac parte facimus, sed admiratione multa et indignatione quamplurima esset dignissimum, si etiam non rogati vel jussi aliquid hujusmodi vel etiam majus non fecerimus. Videmus enim . . . exilio relegatos, persecutionibus coangustatos, patrimonio suo spoliatos, et de proprio unde, ut deceat, sustineantur, non habentes. Grosset. l. ep. 119.

when it described every thing as belonging to the prince, spoke of his right of superintendence, not of property ; so the pre-eminence enjoyed by the pope imposed on him the duty of watching over all, but gave him no right to dispose of all—and that, if the income of the clergy were more than sufficient for their support, they were obliged to employ the remainder in relieving the wants of the poor, not in furnishing the means of protracting a bloody and destructive war*.

For some time the king and the barons appeared indifferent spectators of this struggle. At length they were induced to interfere by the consideration, that in proportion as the clergy were impoverished, the national burdens would press with additional weight on the laity. Ambassadors were despatched to the general council at Lyons, who in firm but respectful language remonstrated against the frequency of the papal exactions. Perhaps the promises which Innocent gave in his reply were meant only to allay discontent. But if he was sincere, the necessities of his situation soon compelled him to break them ; and a new demand of a twentieth from the poorer, and of a larger portion from the more opulent benefices, awakened an unusual spirit of opposition. The clergy drew up a list of their grievances, sent it to the pontiff, and appealed from him to the next general council : the barons, in bolder terms, warned him of the evils which might probably ensue ; and clearly insinuated their readiness to draw the sword, if it should be necessary, in support of the clergy. Even the king appeared to make common cause with his vassals, and forbade the tallage to be paid under the penalty of his high displeasure. Yet this strong opposition gradually melted away. Henry withdrew his prohibition ; the barons relapsed into their former apathy ; and the clergy were reduced to compound with the pontiff for eleven thousand marks†.

A. D.
1246.

* See the letter of all the bishops, &c., of England in *Annal. Burt.* 297.
† *Annal. Burt.* 305—310. *Paris*, 625. 636. *Dunst.* 272, 273. *New Rym.* 262. 5.

The second grievance consisted in what were termed papal provisions, by which the pope, suspending for the time the right of the patron, nominated of his own authority to the vacant benefice. The consequence was that many Italians possessed livings which should have been conferred on English clergymen; and, if some of these resided in the island, the others, after defraying the charge of a substitute to perform the duty, received and spent the remainder of the income in foreign countries. This abuse excited loud complaints on the part both of the patrons and the clergy; and the public discontent displayed itself in acts of illegal violence. An association was formed under the title of the commonalty of England, and was clandestinely encouraged by the principal of the barons and clergy. At its head was sir Robert Thwinge, a knight of Yorkshire, who by a papal provision had been deprived of his nomination to a living in the gift of his family. His commands were implicitly obeyed by his associates, who, though they were never more than eighty individuals, contrived by the secrecy and celerity of their motions to impress the public with an idea that they amounted to a much greater number. They murdered the papal couriers; wrote menacing letters to the foreign ecclesiastics and their stewards; sometimes seized their persons, threw them privately into dungeons, and compelled them to pay considerable ransoms; and at others carried off the produce of their farms, sold it by public auction, or distributed it among the poor of the neighbourhood. For eight months these excesses continued without any interruption from the legal authorities: the national discontent was gratified with the sufferings of the foreigners; and the members of the association, to satisfy the officers of justice, pretended that they acted in virtue of a royal commission. Henry at length interposed his authority, and Thwinge proceeded to Rome to plead his cause before the pontiff. He was successful, and returned with a bull, by which Gregory authorized him to nominate to the living which

he claimed; declared that, if ever the rights of the lay patrons had been invaded, it was without his knowledge, and contrary to his intentions; and promised that all future provisions should be confined to those benefices which were known to be in the gift of the prelates, abbots and ecclesiastical bodies: a politic answer, which separated the interests of the laity from those of the clergy, and was calculated to render the former unconcerned spectators of the oppression of the latter*.

The clergy felt the probable consequences of this distinction, and loudly expressed their indignation. After many ineffectual attempts they obtained the co-operation of the king and barons; and in all their remonstrances the provisions were coupled with the tallages as an abuse, which could be no longer endured. To silence their complaints, Innocent reminded them of his wants, and declared that without provisions he could neither reward the services of his most faithful adherents, nor support the necessary officers of his court†. The controversy lasted during the whole of his

A. D. residence at Lyons. By the death of the emperor, he
1250. was at last enabled to return to Rome, and was soon
Dec. followed by the remonstrances of the English clergy,
13. who stated that the incomes of the foreign ecclesiastics beneficed in England amounted to fifty thousand marks.

A. D. The pontiff, without admitting the accuracy of the state-
1252. ment, acknowledged and lamented the existence of the
May grievance; assured them that, if he had ever granted a
22. provision himself, it had been wrung from him by necessity; and proposed, as a temporary remedy, to set aside for certain non-residents eight thousand marks, a sum which might be annually reduced; to compel all other foreign clergymen to reside or to resign; and to enable the patrons to present to all benefices as soon as they

* Paris, 313. 316. 317. 460, 461. Dunst. 206, 207. Rymer, i. 322. It was pretended that Hubert was the secret instigator of these excesses; and his presumed guilt was said to have been the cause of his arrest, Feb. 17. Hen. III. apud Brad. ii. App. No. 152. New Rym. i. 207.

† Rym. i. 426. 442.

became vacant *. Whether the offer was accepted, we know not ; but the next year, in consequence of a provision to a living in the diocese of Lincoln, Grosseteste, the celebrated bishop of that see, wrote a spirited letter to the pontiff, in which, after professing obedience to the lawful commands of the apostolic see, he refused to admit the provision, because it emanated from an authority which had never been granted by Christ to St. Peter or his successors. This remonstrance appears to have made impression on the mind of Innocent. He answered by a bull, in which he again professed his dislike of the practice, empowered all the patrons of benefices in the possession of foreigners to present to them immediately, and declared that the individuals so presented should and might take possession immediately after the death or resignation of the present incumbents, and in despite of any provision that might hereafter be made by him or his successors †. In this state the controversy remained during the sequel of Henry's reign.

A. D.
1253.
Nov.
3.

But in 1254 was opened a new source of extortion. When the Norman adventurers had formerly subdued Sicily and Apulia, they made their conquests, by a voluntary donation, fiefs of the holy see. As such these two kingdoms had descended to the late emperor Frederic: but during the long war which he waged against the popes Gregory and Innocent he was adjudged to have forfeited all the lands which he held of the church of Rome ; and a resolution, dictated by the experience of the past, was taken to prevent for the future the re-union on the same head of the Sicilian and imperial crowns. Frederic had left by his first wife a son named Conrad, king of Germany, by his second, the sister of our Henry, another called after the name of his uncle ; and besides these an illegitimate son, Manfred, prince Tarento, who was supposed to have been

A. D.
1254.

* Rym. i. 471. Paris, with his usual exaggeration, makes the sum amount to 70,000 marks. p. 740.

† Paris, 749. Annal. Burt. 326-330. Rym. i. 494.

accessary to the death of his father. On none of the three would Innocent bestow the kingdom of Sicily. He offered it first to Charles of Anjou, brother to Louis of France, then to Richard, the brother of the king of England, and lastly to Henry himself for his second son Edmund. All these princes refused it; Charles, on account of the absence of Louis in the crusade; Richard, because he felt himself unequal to the task of subduing the sons of Frederic; and Henry, that he might not appear to oppose the interests of his young nephew, who was supported by a powerful party in Sicily. Conrad, at the head of a numerous army, marched from Germany; took, after an obstinate resistance, Capua, Naples, and the other cities of Apulia, which had declared for the pope, and was preparing to invade Sicily when the young Henry suddenly died, poisoned, as the suspicions of the public believed, by the contrivance of his elder brother. Innocent immediately repeated his offer of the crown for Edmund; and the weak mind of the king, no longer checked by the opposite claim of his nephew, joyfully accepted the dazzling but precarious present.

Mar. 6. It was agreed with the papal envoy that the young prince should hold Sicily and Apulia as fiefs of the holy see; that Henry with a powerful army should immediately conduct his son to take possession of his dominions; that Innocent should advance to the king one hundred thousand pounds Tournois to enable him to commence the expedition, and should give security for any other sums which it might be necessary to borrow.

May 14. The pontiff, when he ratified the treaty, assured the king, who was in Gascony, that if he set out immediately, success was certain; and to stimulate his indolence, informed him that fifty thousand pounds had been deposited at Lyons to be delivered to him the moment he should appear at the head of his army*. In the

* Rym. i. 477. 502. 511, 512. 514. 516. 893. It was afterwards disputed whether the 100,000 pounds were promised as a gift or a loan. Henry gave up his claim. Rym. i. 895. Four pounds Tournois made one pound sterling.

mean time Conrad died ; and a second letter was de- May
 spatched to Henry with a request that he would hasten 29.
 to take advantage of so fortunate an event. Fearful, June
 however, that the opportunity might be lost by delay, 9.
 Innocent himself proceeded from Rome into Apulia,
 took possession of the Terra di Lavoro, secured, as he
 thought, the fidelity of Manfred by confirming to him
 his principality of Tarento, and flattered himself that at
 the arrival of Henry the two kingdoms would unani-
 mously admit Edmund for their sovereign. But the
 perfidious Manfred aspired to the crown himself ; and
 to mask his real views, set up, as the competitor of the
 English prince, Conradine, the infant son of his brother Nov.
 Conrad. Innocent again endeavoured to hasten the 17.
 king by describing to him the danger of delay ; but his
 natural indolence, or the difficulties of his situation,
 prevented his departure ; and the papal army was de- Dec.
 feated by Manfred in the vicinity of Troia. Five days 2.
 afterwards Innocent died *. His successor Alexander IV. Dec.
 pursued the same policy : the crown of the two Sicilies 7.
 was confirmed to prince Edmund ; and the bishop of
 Bologna was sent to England to give him investiture, A. D.
 and to make the necessary arrangements with his fa- 1255.
 ther. It was settled that Sicily and Apulia should form Apr.
 but one kingdom under Edmund, who should hold it of 9.
 the apostolic see by the yearly payment of two thousand
 ounces of gold, and should swear when he did ho-
 mage never to accept the imperial dignity under the
 penalty of losing his crown, and of incurring excommu-
 nication ; that Henry should acknowledge himself re-
 sponsible for all the debts contracted in the prosecution
 of the business ; and that he should, as early as pos-
 sible, convey his son with an army into Apulia †. But
 in the mean while the prospect of success grew fainter
 every day. Manfred had gained the last battle with the
 assistance of a body of Saracens, whom his father had

* Rym. i. 535. 538. 564.

† Ibid. 894—900. 550. 553.

settled in Lucera de' Pagani; and Alexander had sent the cardinal Octavian with the marquis of Hoemburgh at the head of a powerful force to attempt the task of subduing and extirpating the infidels. The two armies remained for several days in presence of each other; but Manfred was busily employed in corrupting the fidelity of the mercenary chieftains opposed to him; and with their connivance surprised and totally routed the Sept. 18. papal forces. Alexander informed Henry of this untoward event; but sought to encourage him with the consideration that the whole of Sicily and the Terra di Lavoro were still true to the interests of Edmund, and conjured him to perform his engagements by sending immediately a powerful army*. The king wanted not the will but the means to comply: though his barons condemned the impotent attempt, he would not resign the hope of placing his younger son on a throne, and therefore bound himself to defray all the former expenses, and to land with an army in Apulia before the next feast of St. Michael. The debts amounted to ninety thousand pounds†; and the pontiff complained loudly in his letters of the distress to which he was reduced by the negligence of Henry in sending him remittances. His treasury, he said, was totally drained: his A. D. 1256. court was surrounded by creditors demanding their Feb. 5. money, and threatening to seize the lands of the churches on which their debts had been secured; and the forces which defended the Terra di Lavoro were disbanded, from the impossibility of paying their services‡. To raise money recourse was now had to every expedient which the regal or papal ministers could devise. It was in vain that Henry applied to the lay tenants of the crown: they obstinately refused to grant any aid towards the acquisition of Sicily; and advised him to lay aside the project, on account of the great

* Rym. i. 564.

† In this sum is included a free gift of 20,000 marks promised by Henry the pope, Rym. i. 897.

‡ Rym. i. 564. 591. 593.

power of Manfred, who had gradually united all Apulia under his standard; the immense expense which had already been incurred, and which by perseverance would be doubled; and the danger to which England would be exposed from the ambition of its neighbours, by the transportation of a numerous army to Italy*. The refusal of the laity threw the principal part of the burden on the clergy, who were urged to submission by the menace of excommunication on the one side, and of forfeiture on the other. The bishops and abbots saw themselves compelled to accept bills drawn in their name, but without their consent, for the sum of twenty thousand pounds in favour of certain bankers in Venice and Florence†: a tenth part of the annual rents of the clergy was ordered to be paid for five successive years into the exchequer; the goods of the clergymen who died intestate, and one year's income of all vacant benefices were reserved to the crown; and the monies collected in England, Ireland, Scotland, and Norway, for the crusade against the infidels were placed at Henry's disposal‡. The clergy exhausted themselves in complaints and remonstrances. They appealed to the protection of the pope; they offered to the king a free gift of fifty-two thousand marks. But the only indulgence which they obtained was the permission for the bishops and abbots to deduct from the payment of the tenths the amount of the bills drawn upon them from Italy.

While Henry thus oppressed the clergy the disputes between him and his barons began to assume an alarming appearance. Instead of winning a foreign crown for his son, he found it necessary to fight in defence of his own. Yet in proportion as the probability of success decreased, he seemed to cling to the Sicilian project with greater pertinacity: nor would he permit Edmund to resign his claim, or return the donation of Innocent§. In the mean while Manfred triumphed over

* Annal. Burt. 372. Dunst. 319, 320.

† Rym. i. 549, 550, 552, 595, 599, &c.

‡ Rym. i. 533.

§ Ibid. 631, 654, 666, 720

- A. D. all his enemies: to Sicily and Apulia he added the
 1263. march of Ancona and a part of Tuscany; and Urban IV.,
 July the successor of Alexander, after requesting the con-
 28. sent of the English prince, offered the crown to Charles
 of Anjou *. It was accepted; and Charles received the
 A. D. regal dignity at Rome from Clement IV.: but the pon-
 1265. tiff, taught by the difficulties in which his predecessors
 had been involved, refused to bind himself for any debts
 which might be incurred. The new king, however,
 raised a powerful army, gained a splendid victory in the
 A. D. plains of Benevento, and by the death of Manfred, who
 1266. fell in the battle, obtained peaceable possession of the
 26. whole kingdom.

III. It was Henry's misfortune to have inherited the antipathy of his father to the charter of Runnymede, and to consider his barons as enemies leagued in a conspiracy to deprive him of the legitimate prerogatives of the crown. He watched with jealousy all their proceedings, refused their advice, and confided in the fidelity of foreigners more than in the affection of his own subjects. Such conduct naturally alienated the minds of the nobles, who boldly asserted that the great offices of state were their right, and entered into associations for the support of their pretensions. Had the king possessed the immense revenues of his predecessors he might perhaps have set their enmity at defiance; but during the wars between Stephen and Maud, and afterwards between John and his barons, the royal demesnes had been considerably diminished; and the occasional extravagance of Henry, joined to his impolitic generosity to his favourites, repeatedly compelled him to throw himself on the voluntary benevolence of the nation. Year after year the king petitioned for a subsidy; and each petition was met with a contemptuous refusal. If the barons at last relented, it was always on conditions most painful to his feelings. They obliged him to ac-

* Rym. i. 763.

knowledge his former misconduct, to confirm anew the two charters, and to promise the immediate dismissal of the foreigners*. But Henry looked only to the present moment: no sooner were his coffers replenished than he forgot *his* promises, and laughed at *their* credulity. Distress again forced him to solicit relief, and to offer the same conditions. Unwilling to be duped a second time, the barons required his oath. He swore, and then violated his oath with as much indifference as he had violated his promise. His next applications were treated with scorn; but he softened their opposition by offering to submit to excommunication, if he should fail to observe his engagements. In the great hall of Westminster the king, barons, and prelates assembled: the sentence was pronounced by the bishops with the usual solemnity; and Henry, placing his hand on his breast, added, "So help me God, I will observe these charters, as I am a Christian, a knight, and a king crowned and anointed." The aid was granted, and the king reverted to his former habits. It was not, however, that he was by inclination a vicious man. He had received strong religious impressions: though fond of parade, he cautiously avoided every scandalous excess; and his charity to the poor, and attention to the public worship were deservedly admired. But his judgment was weak. He had never emancipated his mind from the tutelage in which it had been held in his youth, and easily suffered himself to be persuaded by his favourites that his promises were not to be kept, because they had been compulsory, and extorted from him in opposition to the just claims of his crown.

On the fall of Hubert de Burgh the king had given A. D.
1232.

* Thus was gradually introduced what has since been considered the constitutional method of opposing the measures of the crown, the refusal of the supplies for the current year. Henry's predecessors were too rich to depend on the aid of their vassals: to resist their will with any hope of success it was necessary to have recourse to the sword. But *his* poverty compelled him annually to solicit relief, and to purchase it by concessions to his parliament.

- Dec. his confidence to his former tutor, Peter the Poitevin,
 25. bishop of Winchester. That the removal of the minister would be followed by the dismissal of the other officers of government, and that the favourite would employ the opportunity to raise and enrich his relatives and friends, is not improbable: but it is difficult to believe, on the unsupported assertion of a censorious chronicler, that Petor could be such an enemy to his own interests as to prevail on the king to expel all Englishmen from his court, and confide to Poitevins and Bretons the guard of his person, the receipt of his revenue, the administration of justice, the custody of all the royal castles, the wardships of all the young nobility, and the marriages of the principal heiresses. But the ascendancy of the foreign-
 A. D. 1233. ers, however great it might be, was not of very long
 July duration. The barons refused to obey the royal sum-
 11. mons to come to the council: the earl marshal unfurled the standard of rebellion in Wales, and the clergy joined with the laity in censuring the measures of go-
 A. D. 1234. vernment. Edmund, the new archbishop of Canter-
 Feb. bury, attended by several other prelates, waited on
 2. Henry. He reminded the king that his father, by pursuing similar counsels, had nearly forfeited the crown; assured him that the English would never submit to be trampled upon by strangers in their own country; and declared that he should conceive it his duty to excommunicate every individual, whoever he might be, that should oppose the reform of the government, and the welfare of the nation. Henry was alarmed, and promised to give him an answer in a few weeks. A parliament of the barons was called, and Edmund renewed
 Apr. his remonstrance. The Poitevins were instantly dis-
 9. missed, the insurgents restored to favour, and ministers appointed, who possessed the confidence of the nation *.
- A. D. 1236. At the age of twenty-nine the king had married Elea

nor, the daughter of Raymond, count of Provence. The ceremony of her coronation, the offices of the barons, the order of the banquet, and the rejoicings of the people, are minutely described by the historian, who, in the warmth of his admiration, declares that the whole world could not produce a more glorious and ravishing spectacle*. Eleanor had been accompanied to England by her uncle William, bishop elect of Valence, who soon became the king's favourite, was admitted into the council, and assumed the ascendancy in the administration. The barons took the first opportunity to remonstrate: but Henry mollified their anger by adding three of their number to the council, and, that he might be the more secure from their machinations, obtained from the pope a legate to reside near his person. This was the cardinal Otho, who employed his influence to reconcile Henry with the most discontented of the barons. By his advice William returned to the continent. He died in Italy: but the king, mindful of his interests, had previously procured his election to the see of Winchester, vacant by the death of Peter des Roches.

Jan. 14.

Jan. 20.

A. D. 1238.
Nov. 1.

The next favourites were two other uncles of the queen, Peter de Savoy, to whom Henry gave the honour of Richmond, and Boniface de Savoy, who, at the death of Edmund, was chosen archbishop of Canterbury. The natives renewed their complaints, and waited with impatience for the return of Richard, the king's brother, from Palestine: but that prince was induced to espouse the cause of the foreigners, and to marry Sanchia, another of the daughters of Raymond. But now Isabella, the queen mother, dissatisfied that the family of Provence should monopolize the royal favour, sent over her children by her second husband, the count de la Marche, to make their fortunes in England. Alice, her daughter, was married to the young earl of Warrenne; Guy, the eldest son, received some valuable

* Paris, 355. Dunst. 231.

presents, and returned to France; William de Valence, with the order of knighthood, obtained an annuity, and the honour of Hertford; and Aymar was sent to Oxford, preferred to several benefices, and at last made bishop of Winchester*.

While Henry was thus careful to provide for his foreign relatives he frequently found himself reduced to want, and without credit or resources. His more despotic predecessors had expended infinitely larger sums in their foreign expeditions, and the support of their mercenary forces, and had never hesitated to extort by violence from their subjects whatever monies were deemed necessary by their ambition or rapacity. But the imprudence of John had generated, and the minority of Henry had nourished, a spirit of resistance to the undue exercise of authority; and the relief of the sovereign's wants was assigned by the great charter, not to his own caprice, but to the wisdom or generosity of the prelates and barons. If in their assemblies they consented to grant him an aid, they yet granted it in ill humour; and his acquiescence in the papal exactions from the clergy, with the debts he incurred by accepting the crown of Sicily for Edmund, continued to inflame the public discontent. Associations were formed to redress the grievances of the nation: under the decent pretext of preventing the misapplication of the revenue, a demand was repeatedly made, that the appointment of the officers of state should be vested in the great council; and at length the constitution was entirely overturned by the bold ambition of Simon de Montfort earl of Leicester†.

A. D. 1232. Simon was the younger of the two sons of the count de Montfort, a name celebrated in the annals of religious warfare. By the resignation of Amauri, his brother, the constable of France, he had succeeded to the estates of his mother Amicia, the elder of the two sisters and

* Paris. 489. 494. 637. Dunst. 275.

† Paris, 564. 646.

co-heiresses of the late earl of Leicester : his subsequent marriage with Eleanor, the king's sister, had brought within his view the prospect of a crown ; and his marked opposition to the extortions of the king and the pontiffs had secured to him, though a foreigner, the affection of the nobility, the clergy, and the people. Policy required that the king should not provoke, or should oppress so formidable a subject. But Henry did neither : he on some occasions employed the earl in offices of trust and importance ; on others, by a succession of petty affronts, irritated instead of subduing his spirit. Among the inhabitants of Guienne there were many, whose wavering fidelity proved a subject of constant solicitude ; and Simon had been appointed, by patent, governor of the province for five years, with the hope that his activity and resolution would crush the disaffected, and secure the allegiance of the natives. They were to the earl years of continual exertion : his conduct necessarily begot enemies ; and he was repeatedly accused to the king of peculation, tyranny, and cruelty. How far the charges were true, it is impossible to determine ; but his accusers were the archbishop of Bordeaux, and the chief of the Gascon nobility, who declared that unless justice were done to their complaints, their countrymen would seek the protection of a different sovereign. When Simon appeared before his peers, he was accompanied by Richard, the king's brother, and the earls of Gloucester and Hereford, who had engaged to screen him from the royal resentment ; and the king, perceiving that he could not procure the condemnation of the accused, vented his passion in intemperate language. In the course of the altercation, the word "traitor," inadvertently fell from his lips. "Traitor," exclaimed the earl ; "if you were not a king, you should repent of that insult." "I shall never repent of any thing so much," replied Henry, "as that I allowed you to grow and fatten within my dominions." By the interposition of their common friends they were parted. Henry conferred the duchy

A. D.
1251.

and government of Guienne on his son Edward: but the earl returned to the province; nor would he yield up his patent without a considerable sum as a compensation for the remaining years of the grant. Fearing the king's enmity, he retired into France, and was afterwards reconciled to him through the mediation of the bishop of Lincoln*.

A. D. 1256 Though Richard had frequently joined the barons in opposing his brother, he could never be induced to invade the just rights of the crown. He was as much distinguished by his economy as Henry was by his profusion; and the care with which he husbanded his income gave him the reputation of being the most opulent prince of Europe. Yet he allowed himself to be dazzled with the splendour of royalty, and incautiously sacrificed his fortune to his ambition. In the beginning of the year 1256 the archbishops of Cologne and Mentz, with the elector palatine, chose him at Frankfort king of the Romans; and a few weeks later the archbishop of Triers, the king of Bohemia, the duke of Saxony, and the marquess of Brandenburg, the other four electors, gave their suffrages in favour of Alphonso, king of Castile†. It is strange that Richard, with the example of Sicily before his eyes, and the certainty of meeting with a powerful rival, should have accepted the offer: but he was told that his riches would ensure his success: a deputation of prelates and nobles arrived to conduct him to his imaginary dominions; and the new king of the Romans was crowned at Aix-la-Chapelle in the presence of most of the princes of the empire‡. It was, however, in an evil hour for Henry that he departed for Germany.

Dec. 28.
A. D. 1257.
May 17.

* Paris, 400. 700. 713. 721. 722. 743. The king had originally conferred the duchy of Guienne on his brother Richard, but took it from him on the birth of prince Edward. Richard ever afterwards opposed the king in all matters relative to that country. Paris, 723.

† Wikes, 51. gives us the different sums promised to the seven electors on this occasion: but he is certainly mistaken in several of the princes whom he calls electors, as is evident from the letter of the pope, quoted by Spondanus, p. 198.

‡ Rymer, i. 621. 622. Annal. Burt. 376.

The discontented barons, no longer awed by his presence, associated to reform the state, under the guidance of the earl of Leicester, high steward, the earl of Hereford, high constable, the earl marshal, and the earl of Gloucester. The circumstances of the times were favourable to their views. An unproductive harvest had been followed by a general scarcity, and the people were willing to attribute their misery not to the inclemency of the seasons, but to the incapacity of their governors *. Henry called a great council at Westminster, and on the third day the barons assembled in the hall in complete armour. When the king entered, they put aside their swords: but Henry, alarmed at their unusual appearance, exclaimed, "Am I then your prisoner?" "No, sir," replied Roger Bigod, "but by your partiality to foreigners, and your own prodigality, the realm is involved in misery. Wherefore we demand that the powers of government be delegated to a committee of barons and prelates, who may correct abuses, and enact salutary laws." Some altercation ensued, and high words passed between the earl of Leicester and William de Valence, one of the king's brothers. Henry, however, found it necessary to submit; and it was finally agreed that he should solicit the pope to send a legate to England, and modify the terms on which he had accepted the kingdom of Sicily: that he should give a commission to reform the state to twenty-four prelates and barons, of whom one half had been already selected from his council, the other half should be named by the barons themselves in a parliament to be held at Oxford; and that, if he faithfully observed these conditions, measures should be taken to pay his debts, and to prosecute the claim of Edmund to the crown of the two Sicilies †.

* Wikes, 52. Wheat was sold at the almost unprecedented price of 9s. the quarter. Richard sent from Germany forty vessels laden with corn. Par. 896.

† Rym. I. 654, 655.

At the appointed day the great council, distinguished
June in our annals by the appellation of "the mad parlia-
11. ment," assembled at Oxford. The barons, to intimidate
their opponents, were attended by their military tenants,
and took an oath to stand faithfully by each other, and
to treat as "a mortal enemy" every man who should
abandon their cause. The committee of reform was ap-
pointed. Among the twelve selected by Henry were
his nephew the son of Richard, two of his uterine bro-
thers, and the great officers of state: the leaders of the
faction were included in the twelve named by the barons.
Every member was sworn to reform the state of the
realm, to the honour of God, the service of the king, and
the benefit of the people; and to allow no consideration,
"neither of gift nor promise, profit nor loss, love nor
"hatred, nor fear," to influence him in the discharge of
his duty. Each twelve then selected two of their op-
ponents; and to the four thus selected was intrusted the
charge of appointing fifteen persons to form the council
of state. Having obtained the royal permission, they
proceeded to make the choice with apparent impar-
tiality: both parties furnished an equal number; and at
their head was placed Boniface, the archbishop of Can-
terbury, who, if he were connected with the court from
his relationship to the queen, was also known to lean to
the popular faction, through his jealousy of the superior
influence of the king's half brothers. In reality, how-
ever, these elections proved the declining influence of
the crown; for, while the chiefs of the reformers were
named, Henry's principal friends, his nephew and his
brothers, had been carefully excluded. In a short time
the triumph of Leicester was complete. The justiciary,
the chancellor, the treasurer, all the sheriffs, and the
governors of the principal castles belonging to the king,
twenty in number, were removed, and their places were
supplied by the chiefs of the reformers, or the most de-
voted of their adherents. The new justiciary took an

oath to administer justice to all persons, according to the ordinances of the committee; the chancellor not to put the great seal to any writ which had not the approbation of the king and the privy council, nor to any grant without the consent of the great council, nor to any instrument whatever, which was not in conformity with the regulations of the committee; the governors of the castles to keep them faithfully for the use of the king, and to restore them to him or his heirs, and no others, on the receipt of an order from the council; and at the expiration of twelve years to surrender them loyally on the demand of the king*. Having thus secured to themselves the sovereign authority, and divested Henry of the power of resistance, the committee began the work of reform by ordaining—1. that four knights should be chosen by the freeholders of each county to ascertain and lay before the parliament the trespasses, excesses, and injuries committed within the county under the royal administration: 2. that a new high sheriff should be annually appointed for each county by the votes of the freeholders: 3. that all sheriffs, and the treasurer, chancellor, and justiciary, should annually give in their accounts: 4. and that parliaments should meet thrice in the year, in the beginning of the months of February, June, and October. They were, however, careful that these assemblies should consist entirely of their own partisans. Under the pretext of exonerating the other members from the trouble and expense of such frequent journeys, twelve persons were appointed as representatives of the commonalty, that is, the whole body of earls, barons, and tenants of the crown; and it was enacted that whatever these twelve should determine, in conjunction

* *Annal. Burt* 407. 411. 413, 414, 415. *Brady*, ii. App. No. 190, 191, 192, 193, 194. The royal castles were those of Dover and the other cinque ports, Northampton, Corfe, Scarborough, Nottingham, Hereford, Exeter, Sarum, Hadleigh, Winchester, Porchester, Bridgenorth, Oxford, Sherburn, the Tower of London, Bamborough, Newcastle on Tyne, Rochester, Gloucester, Hereford, and Devizes. *Ibid.* et *Ann. Burt* 416. The reader will observe that Windsor, Wallingford, and a few others still remained in the king's possession.

with the council of state, should be considered as the act of the whole body*.

These innovations did not, however, pass without opposition. Henry, the son of the king of the Romans, Aymar, Guy, and William, half brothers to the king, and the earl of Warenne, members of the committee, though they were unable to prevent, considerably retarded the measures of the reformers, and nourished in the friends of the monarch a spirit of resistance which might ultimately prove fatal to the projects of Leicester and his associates. It was resolved to silence them by intimidation. They were required to swear obedience to the ordinances of the majority of the members; proposals were made to resume all grants of the crown, from which the three brothers derived their support; and several charges of extortion and trespass were made in the king's courts not only against them, but also against the fourth brother Geoffrey de Valence. Fearing for their liberty or lives, they all retired secretly from Oxford, and fled to Wolveham, a castle belonging to Aymar, as bishop elect of Winchester. They were pursued and surrounded by the barons: their offer to take the oath of submission was now refused; and of the conditions proposed to them

July 5. the four brothers accepted as the most eligible, to leave the kingdom, taking with them six thousand marks, and trusting the remainder of their treasures, and the rents of their lands to the honour of their adversaries.

July 8. Their departure broke the spirit of the dissidents. John de Warenne and prince Henry successively took the oath: even Edward, the king's eldest son, reluc-

* Ann. Burt. 416. *Le commun éliëe xii. prodes homes. ces sont les duse ke sont eslu par les Barons a treter a treis parlemens per an. p. 414.* They add that it was pur esparmier le cuet del commun, 416. *Le commun* or commonalty, in an English proclamation at this time, is translated, "*the landesfolk of the realm*," (N. Rvm. 378) as if it represented all the landed proprietors. It was the more usual denomination of the great council, though the word parliament had now grown into common use. In a writ of the 28th of this king the conference between John and his barons at Runnymede is called a parliament. Cl. 28 Hen. III. m. 12, and in his 32nd year occurs a writ with the expression *coram rege et toto parlamento*. Cl. 32. Hen. III. m. 13. Dora.

tantly followed their example, and was compelled to July recall the grants which he had made to his uncles of 12. revenues in Guienne, and to admit of four reformers as his council, for the administration of that duchy*. To secure their triumph a royal order was published that all the lieges should swear to observe the ordinances of the council †; and a letter was written to the pope in Oct. 18. the name of the parliament, complaining of the king's brothers, soliciting the deposition of the bishop of Winchester, and requesting the aid of a legate to co-operate with them in the important task of reforming the state of the kingdom ‡.

In a short time Leicester was alarmed by the approach of a dangerous visitor, Richard king of the Romans. A. D. 1259 That prince had squandered away an immense mass of Jan. 23. treasure in Germany, and was returning to replenish his coffers by raising money on his English estates. At St. Omer, to his surprise, he received a prohibition to land before he had taken an oath to observe the provisions of reform, and not to bring the king's brothers in his suite. His pride deemed the message an insult: but his necessities required the prosecution of his journey; and he gave a reluctant promise to comply, as soon as he should receive the king's permission. At Canterbury Henry signified his commands, and Richard took the oath §.

By the original agreement at Westminster the refor-

* Annal. Burt. 410. 411. 419. Rymer, i. 660, 661, 662, 663. Annal. Winc. 310.

† New Rymer, i. 377. This proclamation is in both languages, the first of that description which has been preserved since the reign of Henry I., though I do not understand how such proclamations could have become known to the people, unless they were published in the English language.

‡ Annal. Burt. 418. 422. Rymer, i. 667. It appears to me that the commission of the twenty-four ended with the parliament of Oxford: but the chiefs had all been appointed to the privy council, to which the exercise of the sovereign authority had been reserved, except during the sessions of parliament; and even then they retained it, as the parliament was represented by twelve members, all their partisans. See Annal. Burt. p. 423. 431. 435.

§ Rym. i. 672. Annal. Burt. 421.

mation of the state was to be settled before Christmas. But the party was as slow to conclude as it had been eager to commence its labours. To satisfy the people, a proclamation was issued in the king's name, stating the importance of the undertaking, the time necessary to obtain an exact knowledge of the national grievances, and the folly of risking the acquisition of their object by the adoption of hasty and inconsiderate measures. The truth was, that the chiefs were unwilling to divest themselves of the authority which they had usurped. They distributed among their partisans all the lay offices and ecclesiastical benefices in the gift of the crown; received the principal part of the royal revenue, and shared among themselves the produce of the escheats, wardships, and marriages of the king's tenants*. But the ambitious views of Leicester soon began to alarm his associates, and a violent quarrel between him and the Earl of Gloucester threatened to dissolve the confederacy. A false but apparent reconciliation was effected, when a petition from the knights bachelors of England created a new alarm. They requested the council to hasten the reform, observing that it had been eighteen months in possession of the sovereign authority, and the nation had yet to learn what was the fruit of its labours. This was a remonstrance which it would have been dangerous to overlook; and in the next parliament a project of reform was proposed, approved, and ordered to be enforced by the judges in their circuits. Its principal objects were to secure the inferior tenants from the oppression of their lords, and to purify the administration of justice. The provisions under the first head refer to customs which are now obsolete, and would therefore prove uninteresting to the reader: the great remedy for all abuses under the second was the appointment of commissioners to inspect the conduct of the judges. Two were ordered to watch all the proceedings in the

Oct.
13.

* West. 391.

king's bench ; two others those in the exchequer ; and one to attend the itinerant justices in their respective circuits. With the same view four knights were chosen in every county, with the power of admonishing, as they saw occasion, the sheriff of his duty, and of informing the justiciary when the admonition was neglected. Contrary to the enactment of the last year the new sheriffs were appointed by the great officers of state ; but the freeholders in each county were ordered to choose four persons against the following Michaelmas, and to present them to the barons of the exchequer, who would select one of the number for the next sheriff. Such were the principal articles of the reform so long and so anxiously desired ; articles which disappointed the expectations of the nation, and created a general wish that the sovereign authority might be removed from the hands of a few factious noblemen, and restored to him, to whom it constitutionally belonged *.

Henry had now been for two years the mere shadow ^{A. D.} 1260. of a king. The acts of government, indeed, ran in his name ; but the sovereign authority was exercised without control by the lords of the council ; and obedience to the royal orders, when the king ventured to issue any orders, was severely punished as a crime against the safety of the state. But if he were a silent, he was not an inattentive observer of the passing events. The discontent of the people did not escape his notice ; and he saw with pleasure the intestine dissensions which daily undermined the power of the faction. The earls of Leicester and Gloucester pursued opposite interests, and formed two opposite parties. Leicester, unwilling to behold the ascendancy of his rival, retired into France ; and Gloucester discovered an inclination to be reconciled to his sovereign. But to balance this advantage, prince Edward, who had formerly displayed so much spirit in vindicating the rights of the crown, joined the

* N. Rym. 381 Annal. Burt. 428—433.

earl of Leicester, their most dangerous enemy; and this unexpected connexion awakened in the king's mind the suspicion of a design to depose him, and place his son on the throne. In these dispositions of enmity, jealousy, and distrust, the barons assembled in London to meet Henry in parliament. But each member was attended by a military guard: his lodgings were fortified to prevent a surprise; the apprehension of hostilities confined the citizens within their houses; and the concerns of trade with the usual intercourse of society were totally suspended. After many attempts, the good offices of the king of the Romans effected a specious but treacherous pacification; and the different leaders left the parliament friends in open shew, but with the same feelings of animosity rankling in their breasts, and with the same projects for their own aggrandizement, and the depression of their opponents*.

At length Henry persuaded himself that the time had arrived when he might resume his authority. He unexpectedly entered the council, and in a tone of dignity reproached the members with their affected delays, and their breach of trust. They had been established to reform the state, improve the revenue, and discharge his debts: but they had neglected these objects, and had laboured only to enrich themselves, and to perpetuate their own power. He should, therefore, no longer consider them as his council, but employ such other remedies as he thought proper †. He immediately repaired to the Tower, which had lately been fortified; seized on the treasure in the mint; ordered the gates of London to be closed; compelled all the citizens above twelve years of age to swear fealty in their respective wardmotes; and by proclamation commanded the knights of the several counties to attend the next parliament in arms. The barons immediately assembled their retainers, and marched to the neighbourhood of the

* West. 373.

† West. 377.

capital: but each party, diffident of its strength, betrayed an unwillingness to begin hostilities; and it was unanimously agreed to postpone the discussion of their differences till the return of prince Edward, who was in France displaying his prowess at a tournament. He returned in haste, and, to the astonishment of all who were not in the secret, embraced the interests of the barons*.

Henry, however, persevered in his resolution. By repeated desertions the party of his enemies had been reduced to the two earls of Leicester and Gloucester, the grand justiciary, the bishop of Worcester, and Hugh de Montfort, whose principal dependence was on the oath which the king and the nation had taken to observe the provisions of Oxford. To this argument it was replied that the same authority which enacted the law was competent to repeal it; and that an oath which should deprive the parliament of such right was in its own nature unjust, and consequently invalid†. For greater security, however, the king applied to pope Alexander, who by several bulls released both him and Jun, the nation from their oaths, on the principle that the provisions of Oxford were injurious to the state, and therefore incompatible with their previous obligations‡. These bulls Henry published, appointed a new justiciary and chancellor, removed the officers of his household, July revoked to himself the custody of the royal castles, 8. named new sheriffs in the counties, and by proclamation announced that he had resumed the exercise of the July royal authority. This was followed by another procla- 30. mation to refute the false reports circulated by the barons. The king requested the people to judge of him Aug. by his actions, not by the accusations of his enemies. 16. He had now reigned five-and-forty years, and during that long period had secured to them the blessings of

* Wikes, 54. West. 378. Claus. 45 Hen. III. 19. Cit. Carte, 127.

† West. 391.

‡ Rym. 722, 723, 742, 746. Wikes, 55. New Rym. i. 405. 7, 8.

peace. They might contrast his administration with that of the barons. Was there one among them who could say he had ever received an injury from his sovereign? They knew that under him they had enjoyed their rights and possessions in peace. His conduct had proved that as he never intended, so he had never countenanced, injustice. If he had appointed new sheriffs and new governors of his castles, they were men whose loyalty he could trust, and on whose equity his subjects might rely. Should they, however, repeat the exactions of their predecessors, let the injured party appeal to him, and he should always be ready to do justice to the meanest of his subjects against the most powerful of their oppressors. The earls of Leicester and Gloucester, with the bishop of Worcester, had summoned three knights from every county south of the Trent to meet them at St. Alban's: but a temporary reconciliation was effected, and the king by his writs, annulling the previous summons, ordered the same knights to repair to him at Windsor, that they might be present at his intended conference with the barons, and convince themselves of the justice and utility of his demands*. Several inter-

Dec. views between the parties took place at London. At

6. first the barons appeared to consent to a plan of pacification offered by the king: afterwards it was resolved

A. D. 1262. to refer their differences, some to the decision of the king of France, and some to that of the king of the

2. Romans. The earl of Leicester, however, found means to prevent the execution of the agreement; and a third

Apr. meeting was held, in which the barons abandoned the greater part of the provisions, and the king confirmed such as were evidently conducive to the welfare of the

May realm. Leicester was still dissatisfied, and returned to

2. France, observing that he should never trust the faith of a perjured king †: Henry by proclamation acquainted the nation that pope Urban had confirmed the absolu-

* See the two writs in Brady, ii. App. No. 202, 203.

† Wikes, 51. West. 380, 381. N. Rym. i. 411. 5, 6.

tion obtained from his predecessor; that he had resumed the exercise of the royal authority; and that he was determined to observe and enforce every article of the two charters, and to punish severely all persons who should adhere to the confederacy of the barons*.

The king, now finding himself at liberty, was induced to visit Louis of France; and Leicester embraced the opportunity to return to England, and re-organise the association which had so lately been dissolved. His hopes of success were founded on the pride and imprudence of prince Edward, who, untaught by experience, had called around him a guard of foreigners, and intrusted to their leaders the custody of his castles. Such conduct not only awakened the jealousy of the barons, but alienated the affections of the royalists. Several of these, deprived of the honours to which they conceived themselves entitled, secretly applied to the earl, and brought with them a valuable auxiliary, Gilbert de Clare, the son and successor of the late earl of Gloucester†. The father by his moderation had frequently paralysed the ambition of Montfort: but the son, a youth of twenty years of age, resigned himself entirely to the guidance of that nobleman, and placed at his disposal the powerful influence of the family of Clare. Henry, at his return, aware of the designs of his enemies, ordered the citizens of London, the inhabitants of the cinque ports, and the principal barons, and afterwards all freemen throughout the kingdom, to swear fealty not only to himself, but in the event of his death, to his eldest son the prince Edward. To the second oath the earl of Gloucester objected. He was immediately joined at Oxford by his associates; and in a few days the earl of Leicester appeared at their head. With the royal banner displayed before them, they took Gloucester, Worcester, and Bridgenorth: ravaged without mercy the lands of the royalists, the foreigners, and

Oct.
3.A. D.
1263,
Mar.
10.April
25.
June
4.

* Apud Brady, ii. App. No. 205.

† West. 392.

the natives who refused to join their ranks; and augmenting their numbers as they advanced, directed their march towards London. In London the aldermen and principal citizens were devoted to the king: the mayor and the populace openly declared for the barons. Henry was in possession of the Tower; and Edward, after taking by force one thousand marks out of the Temple, hastened to throw himself into the castle of Windsor, the most magnificent palace, if we may believe a contemporary, then existing in Europe. The queen attempted to follow her son by water; but the populace

June 14. insulted her with the most opprobrious epithets, discharged volleys of filth into the royal barge, and prepared to sink it with large stones, as it should pass beneath the bridge. The mayor at length took her under his protection, and placed her in safety in the episcopal palace near St. Paul's*.

The king of the Romans now appeared again on the scene in quality of mediator. The negotiation lasted three weeks: but Henry was compelled to yield to the increasing power of his adversaries; and it was agreed that the royal castles should once more be intrusted to the custody of the barons, the foreigners be again banished, and the provisions of Oxford be confirmed, subject to such alterations as should be deemed proper by a committee appointed for that purpose. Henry returned to his palace at Westminster: new officers of state were selected; and the king's concessions were notified to the conservators of the peace in the several counties.

There was one article in the treaty which proved favourable to the interests of Henry; that the assent of the parliament should be obtained. So many objections were now raised, so many claims of indemnification were brought against the barons for the ravages committed by them in the late expedition, that two successive par-

Sept. 9.

* New Rymer, 423. Chron. Dunst. 356, 357. Rym. i. 768. 772. Wikes, 56, 57. Trivet, 212. Windesores, quo non erat ad id tempus splendidus infra fines Europæ. West, 383.

liaments assembled, and yet no final arrangement could be made. But the time thus obtained was usefully employed to attach several of the associates to the royal cause. Some were dissatisfied with the arrogance and ambition of Leicester, who proposed that the powers of the new commissioners should last during the lives of both Henry and Edward; and others were brought over by grants of lands, and by promises of rewards. The king found himself sufficiently strong to take the field. He was disappointed in an attempt to obtain possession of Dover; but nearly succeeded in surprising the earl of Leicester, who with a small body of forces had marched from Kenilworth to Southwark. Henry appeared on one side of the town, the prince on the other; and the royalists had previously closed the gates of the city. So imminent was the danger, that the earl, who had determined not to yield, advised his companions to assume the cross, and to prepare themselves for death by the offices of religion. But the opportunity was lost by a strict adherence to the custom of the times. A herald was sent to require him to surrender; and in the mean while the populace, acquainted with the danger of their favourite, burst open the gates, and introduced him into the city*.

Oct.
14.

The power of the two parties was now more equally balanced, and their mutual apprehensions inclined them to listen to the pacific exhortations of the bishops. It was agreed to refer every subject of dispute to the arbitration of the king of France; an expedient which had been proposed the last year by Henry, but rejected by Leicester. Louis accepted the honourable office, and summoned the parties to appear before him at Amiens. The king attended in person: the earl, who was detained at home in consequence of a real or pretended fall from his horse, had sent his attorneys. Both parties solemnly swore to abide by the decision of the French monarch.

* Chron. Dunst. 356—360. Rym. i. 773. 775. Wikes, 57. West. 383, 384.

A. D. 1264. Jan. 23. Louis heard the allegations and arguments of each, consulted his court, and pronounced judgment in favour of Henry. He annulled the provisions of Oxford as destructive of the rights of the crown, and injurious to the interests of the nation; ordered the royal castles to be restored; gave to the king the authority to appoint all the officers of state and of his household, and to call to his council whomsoever he thought proper, whether native or foreigner; reinstated him in the same condition in which he was before the meeting of the "mad parliament," and ordered that all offences committed by either party should be buried in oblivion. This award was soon afterwards confirmed by the pope; and the archbishop of Canterbury received an order to excommunicate all, who in violation of their oaths, should refuse to submit to it*.

The barons had already taken their resolution. The moment the decision was announced to them, they declared that it was, on the face of it, contrary to truth and justice, and had been procured by the undue influence, which the queen of Louis, the sister-in-law to Henry, possessed over the mind of her husband†. Hostilities immediately recommenced; and as every man of property was compelled to adhere to one of the two parties, the flames of civil war were lighted up in almost every part of the kingdom. In the north, and in Cornwall and Devon, the decided superiority of the royalists forced the friends of the barons to dissemble their real sentiments: the midland counties and the marches of Wales were pretty equally divided: but in the cinque ports, the metropolis, and the neighbouring districts, Montfort ruled without opposition. His partisan, Thomas Fitz-Thomas, had been intruded into the office of Mayor of London; and a convention for their mutual security had been signed by that officer and the commonalty of the city on the one part, and the earls of

* Rymer, i. 776—778. 780—84. † Annal. Wigorn. 495. Dunst. 963.

Leicester, Gloucester, and Derby, Hugh le Despenser, the grand justiciary, and twelve barons on the other. In the different wardmotes every male inhabitant above twelve years of age was sworn a member of the association: a constable and marshal of the city were appointed; and orders were given that at the sound of the great bell at St. Paul's all should assemble in arms, and obey the authority of these officers. The efficacy of the new arrangements was immediately put to the test. Whether Leicester sought to involve the citizens beyond the probability of pardon, or to procure money for future measures, Despenser, the justiciary, came from the Tower, put himself at the head of the associated bands, and conducted them to destroy the two palaces of the king of the Romans at Isleworth and Westminster, and the houses of the nobility and citizens known or suspected to be attached to the royal cause. The justices of the king's bench, and the barons of the exchequer were thrown into prison; the monies belonging to foreign merchants and bankers, which for security had been deposited in the churches, were carried to the Tower; and the Jews, to the number of five hundred, men, women, and children, were conducted to a place of confinement. Out of these Despenser selected a few of the more wealthy, that he might enrich himself by their ransom: the rest he abandoned to the cruelty and rapacity of the populace, who after stripping them of their clothes, massacred them all in cold blood. Cock ben Abraham, who was considered the most opulent individual in the kingdom, had been killed in his own house by John Fitz-John, one of the barons. The murderer at first appropriated to himself the treasure of his victim: but he afterwards thought it more prudent to secure a moiety, by making a present of the remainder to Leicester*.

* Wikes, 59, 60. West. 385. The earl of Gloucester also massacred the Jews in Canterbury; and the earl of Derby destroyed their houses at Worcester, and compelled them to receive baptism. As a justification, it

Henry had summoned the tenants of the crown to meet him at Oxford; and being joined by Comyn, Bruce, and Baliol, the lords of the Scottish borders, unfurled his standard, and placed himself at the head of the army.

Apr. 4. His first attempts were successful. Northampton, Leicester, and Nottingham, three of the strongest fortresses in the possession of the barons, were successively reduced; and among the captives were reckoned Simon the eldest of Leicester's sons, fourteen other bannerets, forty knights, and a numerous body of esquires. From Nottingham he was recalled into Kent by the danger of his nephew Henry, besieged in the castle of Rochester.

Apr. 26. At his approach the enemy, who had taken and pillaged the city, retired with precipitation; and the king, after an ineffectual attempt to secure the co-operation of the cinque ports, fixed his head-quarters in the town of Lewes*.

May 12. Leicester having added a body of fifteen thousand citizens to his army, marched from London, with a resolution to bring the controversy to an issue. From Fletching he despatched a letter to Henry, protesting that neither he nor his associates had taken up arms against the king, but against the evil counsellors, who enjoyed and abused the confidence of their sovereign. Henry returned a public defiance, which was accompanied by a message from prince Edward and the king of the Romans, declaring in the name of the royal barons that the charge was false; pronouncing Montfort and his adherents perjured; and daring the earls of Leicester and Derby to appear in the king's court, and prove their assertion by single combat. After the observation of these forms, which the feudal connexion between the lord and the vassal was supposed to make necessary, Montfort prepared for the battle. It was the

was pretended that they were attached to the king, had Greek-fire in their possession, kept false keys to the gates, and had made subterraneous passages from their houses leading under the walls. Dunst. 368. West. 385, 386. Triv. 214.

* Dunst. 369. West. 385. Wikea, 60, 61. Annal. Roffen. 351.

peculiar talent of this leader to persuade his followers that the cause in which they fought was the cause of Heaven. He represented to them that their objects were May liberty and justice ; and that their opponent was a prince, 13. whose repeated violation of the most solemn oaths had released them from their allegiance, and had entailed on his head the curse of the Almighty. He ordered each man to fasten a white cross on the breast and shoulder, and to devote the next evening to the duties of religion. Early in the morning he marched forward ; and, leaving his baggage and standard on the summit of a hill, about two miles from Lewes, descended into the plain. Henry's May foragers had discovered and announced his approach ; 14. and the royalists in three divisions silently awaited the attack. Leicester, having called before the ranks the earl of Gloucester and several other young noblemen, bade them kneel down, and conferred on them the order of knighthood ; and the Londoners, who impatiently expected the conclusion of the ceremony, rushed with loud shouts on the enemy *. They were received by prince Edward, broken in a few minutes, and driven back as far as the standard. Had the prince returned from the pursuit, and fallen on the rear of the confederates, the victory might have been secured. But he remembered the insults which the citizens had offered to his mother, and the excesses of which they had lately been guilty ; the suggestions of prudence were less powerful than the thirst of revenge ; and the pursuit of the fugitives carried him with the flower of the army four miles from the field of battle. More than three thousand Londoners were slain ; but the advantage was dearly purchased by the loss of the victory and the ruin of the royal cause. Leicester, who viewed with pleasure the thoughtless impetuosity of the prince, fell with the

* It appears that the standard of the king was a dragon; the same had been the standard of the West-Saxon princes. Dunst. 366. West. 387.

remainder of his forces on Henry and his brother. A body of Scots, who fought on foot, was cut to pieces. Their leaders, John Comyn and Robert de Bruce, were made prisoners: the same fate befell the king of the Romans; and the combat was feebly maintained by the exertions and example of Philip Basset, who fought near the person of Henry. But when that nobleman sank through loss of blood, his retainers fled: the king, whose horse had been killed under him, surrendered; and Leicester conducted the royal captive into the priory. The fugitives, as soon as they learned the fate of their sovereign, came back to share his captivity, and voluntarily yielded themselves to their enemies*.

When Edward returned from the pursuit, both armies had disappeared. He traversed the field, which was strewn with the bodies of the slain and the wounded, anxiously, but fruitlessly, inquiring after his father. As he approached Lewes, the barons came out, and on the first shock, the earl Warenne, with the king's uterine brothers and seven hundred horse, fled to Pevensey, whence they sailed to the continent. Edward, with a strong body of veterans from the Welsh marches, rode along the wall to the castle, and understanding that his father was a captive in the priory, obtained permission to visit him from Leicester. An unsuccessful attempt made by the barons against the castle revived his hopes: he opened a negotiation with the chiefs of the party; and the next morning was concluded the treaty known by the name of "the mise of Lewes." By this it was agreed that all prisoners taken during the war should be set at liberty; that the princes Edward and Henry should be kept as hostages for the peaceable conduct of their fathers, the king of England and the king of the Romans; and that all matters which could not be amicably adjusted in the next parliament should be re-

May
15.

* Dunst. 370. 372. West. 387, 388. Wikes, 62. Paris, 853, 854.

ferred to the decision of certain arbitrators. In the battle of Lewes about five thousand men are said to have fallen on each side*.

By this victory the royal authority was laid prostrate at the feet of Leicester. The scheme of arbitration was merely a blind to deceive the vulgar: his past conduct had proved how little he was to be bound by such decisions; and the referees themselves, aware of the probable result, refused to accept the office. The great object of his policy was the preservation of the ascendancy which he had acquired. To Henry, who was now the convenient tool of his ambition, he paid every exterior demonstration of respect; but never suffered him to depart out of his custody; and, without consulting him, affixed his seal to every order, which was issued for the degradation of the royal authority†. The king of the Romans, a more resolute and dangerous enemy, instead of being restored to liberty, was closely confined in the castle of Wallingford, and afterwards in that of Kenilworth; and the two princes were confided to the custody of the new governor of Dover, with instructions to allow of no indulgence which might facilitate their escape. Instead of removing the sheriffs, a creature of Leicester was sent to each county with the title of conservator of the peace. This officer was empowered to arrest all persons who should carry arms without the king's special license; to prevent all breaches of the peace; to employ the posse comitatus to apprehend offenders; and to cause four knights to be chosen as the

June
4.

* West. 398. Dunst. 372. Wikes, 63. In a letter which has been preserved by Westminster, and which appears to be written by a well-informed contemporary, a different account is given of the conclusion of the battle. Henry is said not to have surrendered, but to have retired into the priory, where he was joined by Edward, and reluctantly consented to the treaty that he might save the lives of the king of the Romans and the noble captives, whom Leicester threatened to put to death. He adds that the arbitrators were to be two Frenchmen, chosen by six other French prelates and noblemen, and were to add to their number one Englishman, that a majority might be ensured in case of diversity of opinion. West. 393.

† Contra voluntatem nostram literas sigillo nostro, quo non nos, sed comes ipse utebatur pro suo arbitrio, formari fecit. Apud Brady, ii. 633.

representatives of the county in the next parliament.

June 23. In that assembly a new form of government was established, to last, unless it were dissolved by mutual consent, till the compromise of Lewes had been carried into full execution, not only in the reign of Henry, but also of Edward, the heir-apparent. This form had been devised by the heads of the faction to conceal their real views from the people; and was so contrived that they retained in their own hands the sovereign authority, while to the superficial observer they seemed to have resigned it to the king and his council. It was enacted that Henry should delegate the power of choosing his counsellors to a committee of three persons, whose proceedings should be valid, provided they were attested by the signatures of two of the number. The king immediately issued a writ to the earl of Leicester, the earl of Gloucester, and the bishop of Chichester, authorising them to appoint in his name a council of nine members: nor were they slow in selecting for that purpose the most devoted of their adherents. The powers given to this council were most extensive, and to be exercised without control whenever the parliament was not sitting. Besides the usual authority it possessed the appointment of all the officers of state, of all the officers of the household, and of all the governors of the royal castles. Three were ordered to be in constant attendance on the king's person: all were to be summoned on matters of great importance; and a majority of two-thirds was required to give a sanction to their decisions. Hitherto the original committee seemed to have been forgotten; but it was contrived, that when the council was so divided that the consent of two-thirds could not be obtained, the question should be reserved for the determination of the three electors; an artifice by which, under the modest pretence of providing against dissension, they invested themselves with the sovereign authority. By additional enactments it was provided that no foreigner, though he might go, or come, or reside peaceably, should be em-

ployed under the government ; that past offences should be mutually forgiven ; that the two charters, the provisions made the last year, in consequence of the statutes of Oxford, and all the ancient and laudable customs of the realm, should be inviolably observed ; and that three prelates should be appointed to reform the state of the church, and to procure for the clergy, with the aid of the civil power if necessary, full compensation for their losses during the late troubles*.

The earl was now in reality possessed of more extensive authority than Henry had ever enjoyed : but he soon discovered that to retain the object of his ambition would require the exertion of all his powers. The cause of the captive monarch was ardently espoused by foreign nations, and by the sovereign pontiff. Adventurers from every province of France crowded to the royal standard which queen Eleanor had erected at Damme in Flanders ; and a numerous fleet assembled in the harbour to transport to England the thousands who had sworn to humble the pride of a disloyal and aspiring subject. To oppose Aug. 3. them Leicester had summoned to the camp on Barham downs, not only the king's military tenants, but the whole force of the nation† ; and taking on himself the command of the fleet, cruised in the narrow seas to intercept the invaders. But the winds seemed to be leagued with the earl ; the queen's army was detained for several weeks in the vicinity of Damme ; and the mercenaries gradually disbanded themselves, when the short period for which they had contracted to serve was

* Rym. i. 791—795. New Rym. 444. Brady, ii. App. No. 213, 214. New Rym. i. 443, 4.

† The military tenants were ordered under the penalty of felony to bring into the field not only the force specified by their tenures, but all the horsemen and infantry in their power: every township was compelled to send eight, six, or four footmen well armed with lances, bows and arrows, swords, cross-bows, and hatchets, who should serve forty days at the expense of the township ; and the cities and burghs received orders to furnish as many horsemen and footmen as the sheriff might appoint. No excuse was to be allowed on account of the shortness of the time, the approach of the harvest, or any other private inconvenience. See this extraordinary summons in Brady, ii. App. No. 217. New Rym. 444.

expired. At the same time the pontiff had commissioned Guido, cardinal bishop of Sabina, to proceed to England, and take Henry under the papal protection ; but, deterred by the hint of a conspiracy against his life from crossing the sea, he excommunicated the barons unless before the first of September they should restore the king to all his rights ; and at the same time summoned four of the English prelates to appear before him at Boulogne. After much tergiversation these obeyed ; but appealed from his jurisdiction to the equity of the pope, or a general council ; and though they consented to bring back a sentence of excommunication against the king's enemies, they willingly suffered it to be taken from them by the officers at Dover. Their appeal was approved by the convocation of the clergy, and Guido, after publishing the excommunication himself at Hesdin, returned to Rome, where he was elevated to the chair of St. Peter by the name of Clement IV *.

During the summer Leicester had been harassed with repeated solicitations for the release of the two princes, Edward and Henry. In the winter he pretended to acquiesce, and convoked a parliament to meet after Christmas, for the avowed purpose of giving the sanction of the legislature to so important a measure. But the extraordinary manner in which this assembly was constituted provoked a suspicion that his real object was to consolidate and perpetuate his own power. Only those prelates and barons were summoned who were known to be attached to his party ; and the deficiency was supplied by representatives from the counties, cities, and boroughs †, who, as they had been chosen through his influence, proved the obsequious ministers of his will. Several weeks were consumed in private negotiation with Henry and his son. Leicester was aware of the untameable spirit of Edward : nor would he consent that

* *Dunst.* 373, 374. *Rym.* i. 798—800. *West.* 338, 339, 394. *Wikes* 63, 65.

† *Rym.* i. 803, 804.

the prince should exchange his confinement for the company of his father on any other terms than that he should still remain under the inspection of his keepers, and evince his gratitude for the indulgence by ceding to the earl and his heirs the county of Chester, the castle of Pec, and the town of Newcastle-under-Lyne; in exchange for which he should receive other lands of the same annual value. At length the terms were settled, Mar. 11. and confirmed by the parliament, with every additional security which the jealousy of the faction could devise. It was enacted "by common consent of the king, his son Edward, the prelates, earls, barons, and *commonalty* of the realm," that the charters and the ordinances should be inviolably observed; that neither the king nor the prince should aggrieve the earl or his associates for their past conduct; that if they did, their vassals and subjects should be released from the obligation of fealty till full redress were obtained, and their abettors should be punished with exile and forfeiture; that the barons, whom the king had defied before the battle of Lewes, should renew their homage and fealty; but on the express condition that such homage and fealty should be no longer binding, if he violated his promise; that the command of the royal castles should be taken from suspected persons, and intrusted to officers of approved loyalty; that the prince should not leave the realm for three years, under pain of disherison; that he should not choose his advisers and companions himself, but receive them from the council of state; that with his father's consent he should put into the hands of the barons for five years, five royal castles, as securities for his behaviour, and should deliver to Leicester the town and castle of Bristol in pledge, till a full and legal transfer should be made of Chester, Pec, and Newcastle; that both Henry and Edward should swear to observe all these articles, and not to solicit any absolution from their oath, nor make any use of such absolution, if it were to be pronounced by the pope; and lastly,

that they should cause the present agreement "to be confirmed in the best manner that might be devised, in Ireland, in Gascony, by the king of Scotland, and in all lands subject to the king of England *." These were terms which nothing but necessity could have extorted; and to add to their stability, they were for the most part embodied in the form of a writ, signed by the king, and sent to the sheriffs, with orders to publish them in the full court of each county twice every year.

It is generally supposed that the project of summoning to parliament the representatives of the counties, cities, and boroughs, grew out of that system of policy which the earl had long pursued, of flattering the prejudices, and attaching to himself the affections, of the people. Nor had his efforts proved unsuccessful. Men in the higher ranks of life might penetrate behind the veil, with which he sought to conceal his ambition; but by the nation at large he was considered as the reformer of abuses, the protector of the oppressed, and the saviour of his country. Even some of the clergy, and several religious bodies, soured by papal and regal exactions, gave him credit for the truth of his pretensions, and preachers were found, who, though he had been excommunicated by the legate, made his virtues the theme of their sermons, and exhorted their hearers to stand by the patron of the poor, and the avenger of the church†. Within the kingdom no man dared to dispute his authority: it was only at the extremities that a faint show of resistance was maintained. The distant disobedience of a few chiefs on the Scottish borders he despised or dissembled; and the open hostilities of the lords in the

* Par Ireland, par Gascoigne, par le Roi de Eschoce, e par totes les terres sugettes au Roi de Engleterre. Brad. i. App. 34. New Rym. 451. Does not this curious passage show that the parliament at this period considered the king of Scotland as a vassal of the English crown?

† Rym. i. 832. West. 395. It is amusing to compare the opposite writers of this period. Wikes, and the letter-writer in Westminster (392—395) are royalists, and severely censure the ambition and treason of Leicester; but in the estimation of the chroniclers of Dunstable (363), and of Waverley (380), he lived a saint, and died a martyr.

Welsh marches were crushed in their birth by his promptitude and decision. He compelled Roger de Mortimer and his associates to throw down their arms, surrender their castles, and abide the judgment of their peers, by whom they were condemned to expatriate themselves, some for twelve months, others for three years, and to reside during their exile in Ireland. They pretended to submit, but lingered on the sea-coast, and amid the mountains of Wales, in the hope that some new event might recall them to draw the sword, and fight again in the cause of their sovereign *.

It had cost Leicester some years and much labour to climb to the summit of his greatness: his descent was rapid beyond the calculation of the most sanguine among his enemies. He had hitherto enjoyed the co-operation of the powerful earls of Derby and Gloucester: but, if *he* was too ambitious to admit of an equal, *they* were too proud to bow to a fellow-subject: frequent altercations betrayed their secret jealousies; and the sudden arrest and imprisonment of Derby, on a charge of corresponding with the royalists, warned Gloucester of his own danger. He would have shared the captivity of his friend, had he assisted at the great tournament at Northampton: by his absence he disconcerted the plans of his enemy, and, recalling Mortimer and the exiles, unfurled the royal standard in the midst of his tenantry. Leicester immediately hastened to Hereford with the king, the prince, and a numerous body of knights. To prevent the effusion of blood their common friends intervened: a reconciliation was effected; and four umpires undertook the task of reconciling their differences. But under this appearance of friendship all was hollow and insincere. Leicester sought to circumvent his adversary: Gloucester waited the result of a plan for the liberation of Edward, which had been concerted through the means

Jan. 15.

April 19.

April 25.

May 18.

* Wikes, 65. West. 394.

of Thomas de Clare, brother to the earl, and companion to the prince*.

One day after dinner Edward obtained permission to take the air without the walls of Hereford attended by his keepers. They rode to Widmarsh. A proposal was made to try the speed of their horses: several matches were made and run; and the afternoon was passed in a succession of amusements. A little before sunset there appeared on Tulington hill a person riding on a grey charger, and waving his bonnet. The prince, who knew the signal, bidding adieu to the company, instantly galloped off with his friend, another knight, and four esquires. The keepers followed: but in a short time Mortimer with a band of armed men issued from a wood, received Edward with acclamations of joy, and conducted him to his castle of Wigmore. The next day the prince met the earl of Gloucester at Ludlow. They mutually pledged themselves to forget all former injuries, and to unite their efforts for the liberation of the king, on condition that he should govern according to the laws, and should exclude foreigners from his councils†.

When Leicester received the news of Edward's escape, he conceived that the prince was gone to join the earl Warenne, and William de Valence, who a few days before had landed with one hundred and twenty knights on the coast of Pembrokeshire. Ignorant, however, of his real motions, he dared not pursue him; but issued
 May 30. writs in the king's name, ordering the military tenants of the crown to assemble at first in Worcester, and afterwards in Gloucester. To these he added circular letters
 June 7. to the bishops, accusing Edward of rebellion, and requesting a sentence of excommunication against all disturbers of the peace "from the highest to the lowest‡."

* Wikes, 66. West 394. Of the solicitude with which Edward had been guarded, a curious instance is mentioned by the monk of Melrose, 240.

† Rym. i. 811. Wikes, 67. West, 395. Mailros, 230.

‡ Rym. i. 811—813.

The royalists had wisely determined to cut off his communication with the rest of the kingdom by securing to themselves the command of the Severn. Worcester readily opened its gates : Gloucester was taken by storm ; and the castle after a siege of two weeks was surrendered on condition that the garrison should not serve again during the next forty days. Every bridge was now broken down : the small craft on the river was sunk or destroyed ; and the fords were either deepened or watched by powerful detachments. Leicester, caught as it were in the toils, remained inactive at Hereford : but he awaited the arrival of the troops whom he had summoned, and concluded with Llewellyn of Wales a June treaty of alliance, by which, for the pretended payment ^{22.} of thirty thousand marks, Henry was made to resign all the advantages which he and his predecessors had wrested from the princes of that country. At last, reinforced by a party of Welshmen, the earl marched to the south, took and destroyed the castle of Monmouth, and fixed his head-quarters at Newport. Here he ex- ^{June 28.}pected a fleet of transports to convey him to Bristol : but the galleys of the earl of Gloucester blockaded the mouth of the Avon ; and Edward with the bravest of his knights made an attempt on the town of Newport itself. The part which lay on the left bank of the Usk was carried : but the destruction of the bridge arrested the progress of the victors, and Leicester with his dispirited followers escaped into Wales*.

Misfortune now pressed on misfortune ; and the last anchor of his hope was broken by the defeat of his son Simon of Montfort. That young nobleman was employed in the siege of Pevensey, on the coast of Sussex, when he received the king's writ to repair to Worcester. On his ^{July 12.} march he sacked the city of Winchester, the gates of which had been shut against him, passed peaceably through Oxford, and reached the castle of Kenilworth,

* Rym. i. 814. Wikea, 68. Waver. 218, 219.

the principal residence of his family. Here he remained for some days in heedless security, awaiting the orders of his father. Margot, a woman who in male attire performed the office of a spy, informed the prince that Simon lay in the priory, and his followers in the neighbouring farm houses. Edward immediately formed the design of surprising them in their beds; and marching from Worcester in the evening, arrived at Kenilworth

Aug. about sunrise the next morning. Twelve bannerets with
1. all their followers were made prisoners; and their horses and treasures repaid the industry of the captors. Simon alone with his pages escaped naked into the castle*.

Leicester on the same day had crossed the Severn by a ford, and halted at Kempsey, about three miles from Worcester. Happy to find himself at last on the left bank of the river, and ignorant of the fate of his son and the motions of the enemy, he proceeded to Evesham, with the intention of continuing his march the next morning for Kenilworth. The prince had returned with his prisoners to Worcester: but left the city in the evening; and, to mask his real design, took the road which leads to Bridgenorth. He passed the river near Clains, and wheeling to the right, arrived before sunrise in the neighbourhood of Evesham. He took his station

Aug. on the summit of a hill in the direction of Kenilworth:
4. two other divisions under the earl of Gloucester, and Roger de Mortimer, occupied the remaining roads. As the royalists bore the banners of their captives, they were taken by the enemy for the army of Simon de Montfort. But the mistake was soon discovered. Leicester from an eminence surveyed their numbers and disposition; and was heard to exclaim, "The Lord have mercy on

* Wikes, 69, 70. Waver. 219. The monk of Melrose gives a singular reason why Simon and his knights slept out of the castle. It was for the sake of bathing as soon as they rose in the morning, which made them more alert in battle. Mail. 230. His description of their surprise and flight is amusing. *Cerneret ibi quosdam omnino nudos fugere, nonnullos brachias tantum habentes super se, quosdam vero camisiis et femoralia tantum. Multi tamen tulerunt pannos suos inter ulnas.* 231.

"our souls, for our bodies are prince Edward's." According to his custom he spent some time in prayer, and received the sacrament. His first object was to force his way through the division on the hill. Foiled in this attempt, and in danger of being surrounded, he ordered his men to form a circle, and oppose on all sides the pressure of the enemy. For a while the courage of despair proved a match for the superiority of numbers. The old king, who had been compelled to appear in the ranks, was slightly wounded; and, as he fell from his horse, would probably have been killed had he not cried out to his antagonist, "Hold, fellow, I am Harry of Winchester." The prince knew the voice of his father, sprung to his rescue, and conducted him to a place of safety. During his absence Leicester's horse was killed under him; and, as he fought on foot, he asked, "if they gave quarter." A voice replied, "There is no quarter for traitors." Henry de Montfort, his eldest son, who would not leave his side, fell at his feet. His dead body was soon covered by that of the father. The royalists obtained a complete but sanguinary victory. Of Leicester's partisans all the barons and knights were slain, with the exception of about ten, who were afterwards found breathing, and were cured of their wounds. The foot soldiers of the royal army (so we are told to save the honour of the leaders) offered to the body of the earl every indignity. His mangled remains were afterwards collected by the king's orders, and buried in the church of the abbey*.

By this victory the sceptre was replaced in the hands of Henry. With their leader, the hopes of the barons had been extinguished: they spontaneously set at liberty the prisoners who had been detained since the battle of Lewes, and anxiously awaited the determina-

* Waver. 219, 220. Duna. 384. West. 395. Rishanger cont. Paria. 856. Mailros. 231, 232. This annalist is more enthusiastic in his praise of Leicester than any of our national historians. He employs seven pages in proving his sanctity by a number of ridiculous miracles. With him even Despenser is a martyr of justice. 232—239. See also Chron. de Laner. 76. 7.

- Sept. tion of the parliament, which had been summoned to
 8. meet at Winchester. In that assembly it was enacted, that all grants and patents issued under the king's seal during the time of his captivity, should be revoked; that
 16. the citizens of London for their obstinacy and excesses should forfeit their charter; that the countess of Leicester and her family should quit the kingdom; and that the estates of all, who had adhered to the late earl, should be confiscated. The rigour of the last article
 Nov. was afterwards softened by a declaration, in which the king granted a free pardon to those who could show that their conduct had not been voluntary, but the effect of compulsion*. These measures, however, were not calculated to restore the public tranquillity. The sufferers, prompted by revenge, or compelled by want, had again recourse to the sword: the mountains, forests, and morasses, furnished them with places of retreat; and the flames of predatory warfare were kindled in most parts of the kingdom. To reduce these partial but successive insurrections occupied prince Edward the greater part of two years. He first compelled Simon de Montfort and his associates, who had sought an asylum in the isle of Axholm, to submit to the award which should be given by himself and the king of the
 Dec. Romans. He next led his forces against the men of
 27. the cinque ports, who had long been distinguished by their attachment to Leicester, and who since his fall had by their piracies interrupted the commerce of the narrow seas, and made prizes of all ships belonging to the king's subjects. The capture of Winchelsea, which was carried by storm, taught them to respect the authority of the sovereign; and their power by sea made the prince desirous to recall them to their duty and attach them to the crown. They swore fealty to Henry; and in return obtained a full pardon, and the confirmation of their privileges. From the cinque ports Edward

* Claus. 50 Hen. III. m. 10. d. apud Brady, ii. 654.

proceeded to Hampshire, which with Berkshire and the neighbouring counties was ravaged by numerous banditti, under the command of Adam Gordon, the most athletic man of the age. They were surprised in Alton Wood, in Buckinghamshire. The prince engaged in single combat with their leader, wounded and unhorsed him; and then, in reward of his valour, granted him his pardon*. Still the garrison of Kenilworth continued to brave the royal power, and even added contumely to their disobedience. Having in one of their excursions taken a king's messenger, they cut off one of his hands, and sent him back with an insolent message to Henry. To subdue these obstinate rebels it was necessary to summon the chivalry of the kingdom; but the strength of the place defied all the efforts of the assailants; and the obstinacy of Hastings the governor refused for six months every offer which was made to him in the name of his sovereign †.

There were many, even among the royalists, who disapproved of the indiscriminate severity exercised by the parliament at Winchester; and a possibility was suggested of granting indulgence to the sufferers, and at the same time satisfying those who had profited by their forfeitures. With this view a committee was appointed of twelve prelates and barons, whose award was confirmed by the king in parliament, and called the Dictum de Kenilworth. They divided the delinquents into three classes. In the first were the earl of Derby, Hugh de Hastings, who had earned his pre-eminence by his superior ferocity, and the persons who had so insolently mutilated the king's messenger: the second comprised all who on different occasions had drawn the sword against their sovereign; and in the third were numbered those who, though they had not fought under the banner, had accepted office under the authority, of Leicester. To all was given the option of redeeming their

* West. 396. Dunst. 885. 387. Wikes, 221, 222.

† Paris, 867. Claus. 50 Hen. III. m. 5. Brad. ii. 656.

- estates by the payment to the actual possessors of certain sums of money, to the amount of seven years' value by delinquents of the first class, of five by those of the second, and of two years or one year by those of the third*. By many the boon was accepted with gratitude: it was scornfully refused by the garrison of the castle of Kenilworth, and by the outlaws who had fled to the isle of Ely. The obstinacy of the former was subdued by famine; and they obtained from the clemency of the king the grant of their lives, limbs, and apparel. The latter, relying on the strength of their asylum, gloried in their rebellion, and occasionally ravaged the neighbouring country. Their impunity was, however, owing to the perfidy of the earl of Gloucester, who, without the talents, aspired to the fame and pre-eminence, of his deceased rival. He expressed his disapprobation of the award: the factious inhabitants of London chose him for their leader; and his presumption was nourished by the daily accession of outlaws from different parts of the country. Henry summoned his friends to the siege of the capital; and the earl, when he beheld from the walls the royal army, and reflected on the consequences of a defeat, condemned his own temerity, accepted the mediation of the king of the Romans, and on the condition of receiving a full pardon, gladly returned to his duty, leaving at the same time the citizens to the good pleasure of the king. His submission drew after it the submission of the other insurgents. If Llewellyn remained in arms, it was only with the hope of extorting more favourable terms. The title of prince of Wales with a right to the homage of the Welsh chieftains satisfied his ambition; and he consented to swear fealty to Henry, and to pay him the sum of twenty-five thousand
- Dec. 9. king the grant of their lives, limbs, and apparel. The latter, relying on the strength of their asylum, gloried in their rebellion, and occasionally ravaged the neighbouring country. Their impunity was, however, owing to the perfidy of the earl of Gloucester, who, without the talents, aspired to the fame and pre-eminence, of his deceased rival. He expressed his disapprobation of the award: the factious inhabitants of London chose him for their leader; and his presumption was nourished by the daily accession of outlaws from different parts of the country. Henry summoned his friends to the siege of the capital; and the earl, when he beheld from the walls the royal army, and reflected on the consequences of a defeat, condemned his own temerity, accepted the mediation of the king of the Romans, and on the condition of receiving a full pardon, gladly returned to his duty, leaving at the same time the citizens to the good pleasure of the king. His submission drew after it the submission of the other insurgents. If Llewellyn remained in arms, it was only with the hope of extorting more favourable terms. The title of prince of Wales with a right to the homage of the Welsh chieftains satisfied his ambition; and he consented to swear fealty to Henry, and to pay him the sum of twenty-five thousand
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- Sept. 25. his ambition; and he consented to swear fealty to Henry, and to pay him the sum of twenty-five thousand

* Statutes of the realm, 12—18. West. 398. Wikes, 223. Dunst. 391, 392. Provisions were made for the sale of parts of the estates in order to raise the money. Men who had no estates were to pay one half of their goods and chattels, and find security for their future behaviour. Those who had neither lands nor goods were to swear that they would preserve the peace, find sureties, and stand to the judgment of the church.

marks *. The restoration of tranquillity allowed the king to direct his attention to the improvement of his people. He condescended to profit by the labours of his adversaries; and some of the most useful among the provisions of the barons were with other laws enacted by legitimate authority in a parliament at Marlborough. To crown this important work, and to extinguish, if it were possible, the very embers of discontent, the clergy were brought forward with a grant of the twentieth of their revenues, as a fund which might enable those who had been prevented by poverty to redeem their estates according to the decision of the arbitrators at Kenilworth. The outlaws in the isle of Ely were also reduced. The king's poverty had disabled him from undertaking offensive measures against them: but a grant of the tenth part of the church revenues for three years, which he had obtained from the pope, infused new vigour into his councils: bridges were thrown over the rivers; roads were constructed across the marshes; and the rebels returned to their obedience on condition that they should enjoy the benefit of the Dictum of Kenilworth, which they had so contemptuously and obstinately refused †.

The reader has seen Guido the bishop of Sabina at Boulogne, and has witnessed the decided part which he took in the contest between the king and the barons. His attachment to the royal cause was not weakened by his elevation to the papacy. From the chair of St. Peter he anxiously watched the course of events in the island; despatched the cardinal Ottoboni to take advantage of every favourable circumstance; forbade the payment of the tenth which the clergy had been induced to grant to Leicester; congratulated the prince on his escape; and repeatedly exhorted the barons to rescue their sovereign

* Dunst. 393. West. 398, 399. Rym. i. 841. 844. 849. Waver. 224. Wikes, 83, 84. Heming. 568. Annal. Norwic. 398. Abbrev. Placit. 181, rot. 11.

† Paris, 856. Wikes, 82, 96. Duna. 397.

from the control of an ambitious subject. The news of the victory of Evesham filled him with joy. He instantly wrote to the king and the prince to express his gratitude to the Almighty for so propitious an event: but at the same time earnestly exhorted them to use with moderation the license of victory; to temper justice with mercy; to recollect that revenge was unworthy of a Christian, and that clemency was the firmest pillar of a throne*. When the legate arrived, he repeated the instructions of the pontiff, disapproved of the harsh measures adopted by the parliament at Winchester, and by diffusing a spirit of moderation, greatly contributed to the restoration of tranquillity. From temporal, Ottoboni turned his attention to ecclesiastical matters; and among the canons which he published in a council at London, many of those which regard commendams, residence, dilapidations, repairs, and the plurality of benefices, still retain the force of law in the ecclesiastical courts†. Before his departure he recommended the interests of the oriental Christians to a numerous concourse of people at Northampton, and gave the cross to the king for the sake of example, to the princes Edward and Edmund, to Henry the king's nephew, to twenty-two bannerets, and to more than one hundred knights‡.

It must appear extraordinary that the heir apparent and principal support of the crown should select the present moment for an expedition to Palestine. If the country was at peace, yet the wounds inflicted by the civil war were hardly closed; and the king was rapidly advancing in age, with a mind evidently unequal to the cares of his station. But considerations of individual

* Rym. i. 817—829.

† Wikes, 85. Otho, his predecessor, had vainly attempted to abolish the abuse, which was so prevalent in England, of bestowing a number of benefices on the same individual. On the present occasion some of the prelates appealed from the legate to the pope, but were induced the next morning to withdraw their appeal. Ibid. Indeed it would not have succeeded. So inexorable was Clement on that subject, that as soon as he learned that his nephew possessed three benefices, he compelled him to resign two. Spond. 222.

‡ Wikes, Ibid. New Rym. 463.

interest were absorbed in a generous enthusiasm for what was considered the common cause of all Christendom. Of the original kingdom of Jerusalem very little remained: to that little, however, the Christians clung with the most devoted attachment; and the loss of any fragment of it was sufficient to diffuse a deep sense of sorrow throughout Europe, and to array army after army in the hopeless task of preserving the remainder. Antioch had lately fallen: at the news the king of France, though his last expedition had cost him his liberty, and almost his life, reassumed the cross; and Edward immediately resolved to share with that accomplished monarch the danger and the merit of the new crusade. To Providence he ascribed the recent deliverance of himself and his father from the control of their enemies; and gratitude demanded that he should contribute to rescue the sepulchre of Christ from the pollution of the infidels. Perhaps, however, there was as much of policy as of devotion in his conduct. The crusade would open an honourable field for the exertions of turbulent and adventurous spirits, who might there employ against the Saracens those arms which at home they might be induced to turn against their own sovereign; and he had expressly stipulated, and the stipulation was confirmed by oaths and pledges, that the earl of Gloucester, the man whom he feared the most, should either accompany or follow him to Palestine. Having resolved to take with him his wife Eleanor, sister to Alphonso the king of Castile, he appointed a guardian for his children, and governors for his castles, and committed the care of the succession, and the administration of the kingdom, in the event of Henry's death, to his uncle the king of the Romans, and after him to Henry d'Almaigne, the son of that monarch*. His departure was wisely distinguished by acts of popularity, the grant July of a new charter with the restoration of their liberties to 16.

A. D.
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* Rym. i. 361—364. Wikes, 90, 91.

the citizens of London, and a pardon for the earl of Derby, whose repeated treasons had deserved the utmost severity of punishment. But while the prince was thus employed the Christian army had crossed the Mediterranean, and was mouldering away with disease on the sultry coast of Mauritania. The easy Louis had been induced by his brother Charles to direct his arms in the first instance against the bey of Tunis, who had refused to the new king the tribute which he had paid to the former possessors of Sicily. When Edward arrived, he found the camp plunged in the deepest affliction. The African prince had indeed submitted: but Louis was dead of a dysentery; Philip, his son and successor, was anxious to take possession of his kingdom; and to men unacquainted with the climate, the navigation of the Mediterranean in the winter appeared a formidable undertaking. The English prince found himself compelled to return with his associates to Italy. He fixed his residence at Trapani, that he might resume his journey with the first appearance of spring, and despatched his cousin Henry with private instructions to England. That prince was led by curiosity to visit Viterbo in the company of the kings of France and Sicily, to witness the election of a successor to pope Clement IV. Early one morning he entered a church to hear mass. After its conclusion he remained intent on his devotions, when he was suddenly alarmed by the sound of a well-known voice, exclaiming, "Thou traitor, Henry, thou shalt not escape." Turning, he saw his two cousins, the outlaws Simon and Guy de Montfort, hastening towards him with their swords drawn, and in complete armour. The unfortunate prince immediately sprang to the altar. But the sanctity of the place could not save him. Of two clergymen who generously interposed, one was killed, and the other was left for dead. Henry himself fell under a multitude of wounds. The two brothers glutted their revenge with the mutilation of his dead body, dragged it to the door of the church, and mounted

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their horses in triumph under the protection of the count Aldobrandini, Guy's father-in-law. This sacrilegious assassination spread a general gloom over the city. The Montforts were instantly excommunicated by the college of cardinals; Charles issued orders for their apprehension; and Philip publicly expressed the deepest horror of their conduct. These princes were perhaps sincere; but no demonstrations of grief or resentment could expunge from the mind of Edward the suspicion that, if the murder were not perpetrated, at least the escape of the murderers was effected, with their consent or connivance*.

Richard, the king's brother, still retained his pretensions to the empire. He had lately revisited his nominal kingdom, entertained the German princes at Worms, and abolished with their concurrence the exorbitant customs levied on the passage of merchandise by the towns on both banks of the Rhine. Though advanced in age he married a second wife, the daughter of Theodorick de Falquemort, a German baron; and proud of his young bride, hastened to display her superior beauty in his own country; but his vanity was checked by the melancholy catastrophe of his son, whose body he buried in the church of Hales, an abbey which he had founded. Soon afterwards his own remains were deposited in the same vault. At Kirkham a paralytic stroke had deprived Dec. 12. him of the use of his limbs: nor could the skill of his physicians prolong his life above a few months. Henry followed his brother. Repeated maladies had gradually worn out the king's constitution. In the preceding year A. D. he had been in the most imminent danger, and had 1271. earnestly required by letter the return of prince Edward. April 2. On his recovery he undertook to provide for the liquidation of his debts, by appointing commissioners to receive and administer his revenue, reserving for his private use no more than one hundred and twenty

* Rym. i. 871. 890. 892. ii. 4—10. Wikes, 92. 94.

pounds in the year*. But the death of his brother, the murder of his nephew, and the absence of his son, added anxiety of mind to infirmity of body: his health rapidly declined; and he expired at Westminster, with the most edifying sentiments, in the fifty-seventh year of his reign. The abbey church, which he had rebuilt from the foundation, was selected for the place of his burial, and his body was deposited in the very tomb out of which he had formerly removed into a golden shrine the bones of Edward the Confessor. Many prelates and barons attended the funeral: before the tomb was covered, the earl of Gloucester stepped forward, and putting his hand on the body of the king, swore fealty to prince Edward; and his example was eagerly followed by the surrounding spectators. The new monarch was immediately proclaimed by the style of Edward, king of England, lord of Ireland, and duke of Aquitaine; and from that day were dated the years of his reign †.

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From the preceding pages the reader will have learned to appreciate the character of Henry. Gentle and credulous, warm in his attachments, and forgiving in his enmities, without vices but also without energy, he was a good man, and a weak monarch. In a more peaceful age, when the empire of the laws had been strengthened by habits of obedience, he might have filled the throne with decency, perhaps with honour: but his lot cast him into one of the most turbulent periods of our history, without the talents to command respect, or the authority to enforce submission. Yet his incapacity was productive rather of inconve-

* Rym. i. 871. Henry had on several other occasions retrenched the expenses of his household for the purpose of paying his debts. Paris, 697. 860.

† Rym. i. 888, 889. Wikes, 98. Annal. Wigorn. 499. By the native historians of the age the new church of Westminster was deemed superior in magnificence to any other in Christendom. *Quam idem rex opere sumptuosissimo fabricatam, amota prorsus vetere, quæ nullius omnino valoris extiterat, de propriis fisci regalis exitibus a fundamentis construxit, quæ quidem sumptibus et decore sic cæteris per orbem ecclesiis præponi decernitur, ut videatur comparem non habere.* Wikes, 89.

nience to himself than of misery to his subjects. Under his weak but pacific sway the nation grew more rapidly in wealth and prosperity than it had done under any of his military progenitors. Out of the fifty-six years, through which he extended his reign, but a very small portion was marked by the calamities of war: the tenants of the crown were seldom dragged by him into foreign countries, or impoverished by scutages for the support of mercenary armies; the proprietors, deprived of two sources of wealth, the plunder of an enemy, and the ransom of captives, turned their attention to the improvement of their estates: salutary enactments invigorated the spirit of commerce; and there scarcely existed a port from the coast of Norway to the shores of Italy, that was not annually visited by English merchants. This statement may perhaps surprise those who have listened only to the remonstrances of the factious barons, or the complaints of discontented historians; but the fact is, that of all the kings since the conquest, Henry received the least money from the tenants of the crown. According to the most accurate calculation, the average amount of his expenses did not exceed twenty-four thousand marks per annum*; and we are assured that in the course of a reign, which continued half a century, the only extraordinary aids levied by him on the nation were two fifteenths, one thirtieth, and one fortieth for himself, and one twentieth for the relief of the Holy Land†. His great resource was the tenth of the ecclesiastical revenues, which he received for some years; an impost which, though insufficient to rescue him from the pressure of poverty, was calculated from its partial operation to exasperate the minds of those who were com-

* *Postquam coeperat esse regni dilapidator.* Paris, 814. If these words mean from his accession, the average is 24,000, if from the year in which he came of age, about 30,000 marks.

† Carte, ii. 171. Of course the aids are not included which the tenants of the crown were obliged to pay by their tenures, and which were reckoned in the ordinary revenue of the year.

pelled to pay it. The clergy struggled in vain to shake off the burden: their writers have laboured more successfully to interest in their favour the feelings of posterity by the description, probably the exaggerated description, of their wrongs*.

Before I proceed to the history of the next king, I may be allowed to notice a few miscellaneous but interesting particulars, which regard the legislature, the laws, the police, and the church of England.

I. During the reign of Henry, but while he was under the control of Leicester, we are surprised at the unexpected appearance of a parliament, constituted as our present parliaments are, of the lords spiritual and temporal, and the representatives of the counties, cities, and boroughs†. Was this the innovation of a bold and politic adventurer, or merely the repetition of an ancient and accustomed form? Something more than a century ago, the question was fiercely debated between the adverse champions of the prerogative of the crown and the liberties of the people: since that period it has been investigated with more coolness and impartiality; and most writers have agreed to pronounce the assembly of 1265 a new experiment, devised for the purpose of extending the influence, and procuring support to the projects, of Leicester. 1°. In the history of the preceding reigns we shall search in vain for any satisfactory evidence, that the cities and burghs sent their representatives to the national councils. Historians, indeed, sometimes mention the people, or the multitude, as

* Of these writers the most querulous is Matthew Paris, a monk of St. Albans, partly the author, partly the compiler of the ponderous volume which, with Rishanger's continuation, has been published under his name. It contains many original and some valuable documents: but the writer, accustomed to lash the great, whether clergy or laity, seems to have collected and preserved every malicious and scandalous anecdote that could gratify his censorious disposition. It may appear invidious to speak harshly of this favourite historian; but this I may say, that when I could confront his pages with authentic records, or contemporary writers, I have in most instances found the discrepancy between them so great, as to give to his narrative the appearance of a romance rather than a history.

† See p. 142.

awaiting the decision of the assembly, and testifying their approbation by their applause: but such passages may with propriety be understood of the neighbouring inhabitants, whom curiosity might lead to the spot; of the culprits and petitioners, the suitors and pledges, whose duty or whose interest it was to be present; and of the clergymen and monks, the knights and esquires, who were in attendance on their lords, the prelates and barons*. If at a later period some boroughs claimed the privilege of representation from remote antiquity, or if the members of the lower house boasted that they had formed a constituent part of the legislature from time beyond the memory of man; such pretensions may be attributed either to their ignorance of history, or to the use of legal expressions without any definite meaning†. To me all the great councils under the first Norman kings appear to have been constituted on feudal principles. The sovereign might claim an extraordinary aid from his liege man; but the consent of the man was requisite to legalise the aid: he might seek to make alterations in the laws and customs of the realm; but he was previously expected to ask the advice of those vassals, whose rights and interests it was his duty, as their lord, to protect and improve. Hence all who held in barony were summoned to the great council; but, as the reader has seen, a line of distinction was soon drawn between the greater barons, the lords spiritual and temporal, and the lesser barons, the inferior tenants in

* If the passage sometimes quoted from Eadmer (p. 96) proves anything, it will prove that all the clergymen and monks, who attended the archbishop, were members of the council: and the other passage from the *Gesta Stephani* (p. 933) seems to describe nothing more than a crowd of spectators. The rolls mention the approbation of the spectators, as being given occasionally to the determinations of parliament, even in the reign of Richard II. Rot. Parl. iii. 360.

† The borough of St. Alban's, in a petition to the council in the reign of Edward II., says it had sent representatives under the king's father and his predecessors: that of Barnstaple, that it had always sent representatives by virtue of a charter of king Athelstan, which unfortunately was lost. I suspect that the framers of such petitions were accustomed to give to their pretensions an antiquity which, they knew, would not bear investigation.

chief. From their great property the former (and through them their numerous tenantry) were deeply interested in almost every legislative enactment; and so extensive was their influence, that the royal authority could not, without their concurrence, carry any law into execution. Hence their presence in the national councils was exacted as a duty; and every unjustifiable failure on their part was punishable as a breach of that fealty which they owed to the crown. But with the inferior tenants the case was different. Their consent was implied in that of the greater barons; and as attendance must have proved expensive and inconvenient to men of small fortunes, it was but seldom enforced*. Hence on ordinary occasions the great council appears to have been composed of the bishops and abbots, the earls and barons, the ministers and judges, and the neighbouring knights holding of the crown: but on others, when the safety of the kingdom was at stake, or an extraordinary aid was to be granted, the king convoked an assembly of all his tenants in chief; in more early times perhaps by a summons directed to each individual separately†, afterwards by personal writs to

* If we seek to discover the members of these councils in the description given of them in the original writs, our labour will be fruitless. There is something singularly ambiguous in their language. Thus in the confirmation of the great charter (9th Henry III.) we are told that a fifteenth has been granted in return by the bishops, earls, barons, knights, free tenants, and all of the kingdom—*omnes de regno*—an expression which would induce a belief that the representatives of the free tenants, the cities and boroughs, were present. Yet such inference cannot be supported. For in another writ we have a grant by the earls, barons, and all "others of the whole kingdom, *omnes alii de toto regno nostro*:" and yet the same persons a few lines lower are described as the "earls, barons, and all others holding in chief of the crown, *et omnium aliorum qui de nobis tenent in capite*." (Cl. 19 Hen. III. Brad. i. App. p. 43.) In the same reign we find a fortieth granted by the bishops, earls, barons, knights, freemen, and *villains* (Claus. 16 Henry III. Brad. ii. App. No. 151). Certainly the villeins sent no representatives, and yet they are said to have made the grant. Probably, as the lord could at any time, with the permission of the crown, raise money by tallage on his free tenants, his burgesses, and his villeins, their consent was understood to be included in his. Thus in the grant of a thirtieth, five years later, it is said to have been made by the bishops, earls, barons, knights, and freemen for themselves, and their villeins—*pro se et villanis suis*. Cl. 21 Hen. III. Brad. ii. App. No. 159. New Rym. 232.

† Thus, when king John before the grant of Magna Charta sent only a

the greater barons, and a general writ to the other tenants in each county*.

2°. But though the immediate vassals of the crown were the only individuals possessing a personal right to be present in parliament, there are some instances in which the representatives of the counties were required to attend previously to the year 1265. It must all times have been difficult for the sovereign to become acquainted with the real state of the country, from the interested reports either of his barons or his ministers. If then he wished to ascertain his own rights, or the wrongs of the people, or the peculations of his officers, he was accustomed to authorise a commission of knights in each shire, either named by himself, or elected in the county court, to proceed from hundred to hundred, to make inquiries upon oath, and to lay the result of their labours before him, either in council or parliament. Thus we are told that William the Conqueror, when he resolved to ratify the statutes of his Anglo-Saxon predecessors, ordered twelve "noble and sage men" to be chosen in each county, who should meet in his presence, and determine by common consent what were the real laws of the kingdom†. In the Magna Charta the reader has seen a provision, according to which twelve knights were to be elected in the next court of each county, to inquire into the "evil customs of sheriffs, of forests and "foresters, of warrens and warreners, and of the war-dens of banks and their officers." Henry III. in his seventh year (1223) ordered every sheriff to inquire by means of twelve lawful and discreet knights, what were the rights and liberties of the crown in his shire, on the day on which the war began between John and the barons‡; and in his 42nd year (1258) he appointed four

general summons to his barons, knights, and all his liege men from Rochelle, he excused the informality of the writ, by alleging the necessity of expedition. *Unicuique vestrum si fieri posset literas nostras super hoc transmississemus, sed ut negotium cum maiore expediretur festinatione has literas, &c.* Pat. 15 Johan. Brad. i. 40.

* Mag. Chart. c. 14.

† Hoved. 343.

‡ Brad. ii. App. 149.

knights in each county to inquire into all the "excesses, " transgressions, and injuries committed by judges, " sheriffs, bailiffs, and all other persons, and to make " their report to him in council on a certain day*." The same may be observed with respect to the collection of taxes. In the most ancient instance on record, in the year 1207, the subsidy was collected under the inspection of the itinerant judges: but the method was accompanied with inconvenience and delay: and in 1220 we find writs to the sheriff, appointing him the collector in conjunction with two knights to be chosen in a full court of the county with the consent of all the suitors†. In like manner among the demands of the barons at Runnymede, one was, that two justices should go their circuits four times a year to hold assizes with four knights of the county chosen by the county‡. I am aware that such knights were not members of parliament, but I have mentioned these instances to show that the election of knights of the shire to transact the business of the county was a custom of ancient standing. They collected the taxes, and made to the king the report of their grievances. When, however, they had advanced thus far, it required but an additional step to introduce them into the great council as the representatives of their electors, vested with the power of granting money, and of petitioning for redress; almost the only functions which for a long period after its establishment the house of commons ventured to exercise. In confirmation of this theory it may be observed, that the knights of the shire, when they became regular members of parliament, received the same remuneration which had been assigned to them on former occasions. Anciently as soon as they had made their report to the king§, afterwards at the conclusion of the session, they obtained writs, directing the sheriffs to defray by a rate to

* Brad. ii. App. No. 196.

† Ibid. No. 83, and tom. i. App. p. 41. New Rymer, 96. 177.

‡ New Rymer, i, 129.

§ Brad. ii. App. No. 197, 198.

be levied on the county their expenses for so many days "in going, staying, and returning." The peers attended in their own right, and of course paid their own costs: but the knights were only the deputies of others, and therefore required compensation from those, whose business they undertook to transact.

The most ancient writ summoning the representatives of the counties to parliament is dated in the 15th year of John, 1213. It may be divided into three parts. In the first the knights who had already been warned were ordered to meet the king in arms at Oxford on a certain day. This was a summons to perform military service. The second part alluded to some occurrence not mentioned by historians, and directed the sheriff to bring up the bodies of the barons without arms, probably prisoners in his custody for trial. In the third it was ordered that four discreet knights of the county should be sent to Oxford without arms to treat with the king concerning the affairs of the kingdom*. There can be little doubt that this last was a summons to parliament, as it is conceived in the same words as such writs of a later date. On the face of the writ, indeed, it does not appear whether the knights were to be chosen by the county, or appointed by the sheriff. But this ambiguity is done away in that which follows. In 1254 Henry III. was in Gascony; and by his directions queen Eleanor, and the earl of Cornwall, the regents, summoned all persons holding land of the crown in chief, to the amount of twenty pounds per annum, to assemble at Portsmouth on an appointed day, and sail to the assistance of the king: and then ordered that, "besides these, two lawful and discreet knights should be chosen by the men of every county in the place of all and each of them,

* *Præcipimus tibi quod omnes milites ballivæ tuæ qui summoniti fuerant esse apud Oxoniam ad nos a die omnium sanctorum in quindécim dies, venire facias cum armis suis: corpora vero baronum sine armis; similiter et quatuor discretos milites de comitatu tuo illuc venire facias ad eundem terminum ad loquendum nobiscum de negotiis regni nostri.* XV. die Nov. New Rymer, 117.

"to assemble at Westminster, and to determine with the knights of the other counties what aid they would grant to their sovereign in his present necessity, so that the same knights might be able to answer in the matter of the said aid for their respective counties*"

This writ embraces two objects. From the greater vassals of the crown it requires military service: from the other inhabitants of each county it demands pecuniary aid; and for that purpose prescribes the election of representatives, whose determination should be binding on their constituents. Whether the barons were summoned to assemble at the same place with the knights of the shires, is uncertain, but immaterial; for in that age the different orders voted their own money separately, and without the interference of each other. The next instance (which has been mentioned in the

A. D. 1262. preceding pages) occurred seven years later. Leicester had summoned a parliament at St. Albans, "to which each county was ordered to send three knights, that they might treat of the common concerns of the kingdom." But in the interval, a temporary reconciliation took place between him and Henry, and it was agreed that the king should hold the parliament on the same day at Windsor, and should issue new writs ordering the attendance of the same knights. They were called "to treat on the same subjects, and to convince themselves that the king intended nothing which was not for the honour and common advantage of the realm†." This appears to me to have been a real parliament, and was followed by the celebrated assembly of 1265.

But in this stage of the inquiry a question occurs,

* *Præter omnes prædictos venire facias coram concilio nostro quatuor legales et discretos milites de comitatibus prædictis (Bedford and Bucks), quos iidem comitatus ad hoc elegerint—vice omnium et singulorum eorundem, viz. duos de uno comitatu et duos de alio, ad providendum una cum militibus aliorum comitatum quale auxilium nobis in tanta necessitate impendere voluerunt. Ita quod præfati quatuor milites præfato concilio nostro ad prædictum terminum respondere possint super prædicto auxilio pro singulis comitatibus prædictis.* ‡ Pryane, p. 23. Brady, i. 212.

† Brady, ii. No. 203.

which, if we judge only from the reasoning which has been expended upon it, must be of very difficult solution. Were the knights of the shire the representatives of the tenants of the crown only, or of the whole body of freeholders? Many distinguished antiquaries have maintained that to ease the lesser barons from the burden of personal attendance, they were permitted to send their representatives; and thence have inferred that the other landholders of the county were totally excluded from all share in the election. But when we consider the language of the ancient writs, this theory will appear extremely improbable. Some ambiguity might perhaps arise from the expression of free tenants which was occasionally used to designate both the tenants of the crown by military service, and all other tenants by free service*. But can we believe that, if the exclusion did actually exist, it would never have been alluded to? The writs themselves seem to prescribe the opposite practice. They never mention the tenants in chief. They require no other qualification in the candidate than that he should be a lawful and discreet knight, nor in the electors than that they should be suitors of the county. They ordain that the election should be made in a full court, which, we know, comprehended all the free tenants without distinction†, and vest the persons elected with the power of binding by their votes not merely the tenants of the crown, but all individuals owing suit to the county. In absence then

* The distinction between them was accurately made by Fitz-Peter the justiciary. He orders the earls and barons to collect the fortieth for the crusade from their tenants—from their military tenants a full fortieth, per *servitium militare tenentes*—from their free tenants a fortieth after the deduction of their rent; *si fuerint libere tenentes*—and then calls it a collection from the earls, barons, knights, and free tenants. Hoved. 471. Where it appears that by the word *milites*, he meant military tenants, by *libere tenentes*, all others holding by free service.

† Thus the great charter was to be published in a full court, and we are told that the full court consisted of the barons, knights, and all the freeholders of the same county (Brad. ii. App. No. 145), exactly in the words of Fitz-Peter. *In pleno comitatu tuo convocatis baronibus, militibus, et omnibus libere tenentibus.*

of all authority to the contrary, it cannot be thought rash to assert, that the election belonged formerly, as it did in after ages, to the freeholders at large, whether they held of the king, or of a mesne lord, or by military, or any other free service.

3°. But if we occasionally discover the knights of the shire among the members of the great councils, we have no sufficient reason to believe that they were accompanied by the deputies of the cities and boroughs. Among the writs which were issued during the reigns of John and his son, and of which many have been preserved, there exists no vestige of a summons directing the return of citizens and burgesses more ancient than the administration of Leicester. We may safely pronounce it an innovation; but an innovation which the course of events must otherwise have introduced within a few years. During the lapse of two centuries the cities and boroughs had silently grown out of their original insignificance, and had begun to command attention from their constant increase in wealth and population. Taking advantage of the poverty of their lords, the inhabitants had successively purchased for themselves the most valuable privileges. In lieu of individual services they now paid a common rent: their guilds were incorporated by charter; and they had acquired the right of holding fairs, of demanding tolls, of choosing their chief magistrates, and of enacting their own laws. They were able to supply both men and money; and it became the obvious policy of the crown to attach them to its interests, by lightening their burdens, and attending to their petitions. Formerly, whenever the king obtained an aid from his tenants in chief, he imposed a tallage on his boroughs, which was levied at discretion by a capitation tax on personal property *. Though the

* Thus Henry III., in his 21st year, obtained a thirtieth from the tenants of the crown and the freeholders of the counties (Brady, ii. App. No. 159): and at the same time exacted a tallage from the cities, boroughs, and demesne lands of the crown. *Sicut civitates, burgos, et domica nostra talliari fecimus.* Brad. i. 95.

inhabitants did not dispute this right of the crown, they bore with impatience the grievances, which on such occasions they experienced from the despotism of the royal officers; and frequently offered in place of the tallage a considerable sum, under the name of a gift; which, if it were accepted, was assessed and paid by their own magistrates*. This was in reality to indulge them with the liberty of taxing themselves: and when the innovation had been once introduced, it was obviously more convenient in itself, and more consistent with the national customs, that the new privilege should be exercised by deputies assembled together, instead of being intrusted to the discordant judgment of so many separate communities. This did not escape the discernment of Leicester: and if the improvement was abandoned after his fall†, (probably on account of the disgrace attached to his memory) its utility was appreciated by the succeeding monarch, who before the close of his reign regularly called to parliament the representatives of the cities and boroughs as well as those of the counties.

4° From the multitude of abbots and priors summoned by Leicester in 1264, some writers have inferred

* This distinction was made as early as the reign of Henry III. *Plurimum interest si donum vel auxilium civitatis per singula capita commorantium in ea a justiciariis constituatur: vel si cives summam aliquam que principe digna videatur justiciariis offerant, et ab eis suscipiatur.* Apud Brad. i. 178. Thus when Henry III. in his 39th year demanded a tallage of 3000 marks of the citizens of London, they offered a gift of 2000, maintaining at the same time that they were not subject to tallage. But it was proved from the records in the chancery and the exchequer that they had been talliated in the years 1214, 1223, 1242, 1245, 1249, 1253: and the next day they thought proper to submit. See the original writ in Brady, i. 178.

† According to Hody (*Hist. of Convocations*, p. 369) the burgesses attended at the parliament of 1269. He depends on the authority of Wikes, who indeed tells us that Henry summoned the most powerful men from the cities and boroughs to attend at the translation of the body of Edward the Confessor; as formerly on his return from France in 1243, he had summoned four deputies from each city and borough to meet him on the road in their best clothes and on valuable horses (*Paris*, 534). But this was merely to do him honour on a particular occasion. Wikes then adds, that when the ceremony of the translation was over, a parliament was held by the *nobles*, an expression which seems to exclude the citizens and burgesses. Wikes, 88, 89.

that he wished to secure a majority among the members by the introduction of his partisans from the monastic orders*. The truth is, that there was nothing unusual in the number. Originally indeed the obligation of attending at the great councils was confined to those ecclesiastics who held their lands by barony†: but *they* formed only a small portion of the regular and secular clergy, while the rest, though inferior in wealth and dignity, enjoyed the advantage of possessing their incomes free from the exactions to which the feudal tenants were subject. It was not, however, long before the rapacity of the crown invaded this valuable immunity. At first attempts were made to extend the aids granted by the bishops for themselves to all the clergy for their respective dioceses: but these were effectually resisted, probably on the ground that the prelates had no authority to dispose of the property of others‡. John, in the year 1206, surmounted the difficulty. He called all the abbots and priors to parliament, and obtained from them the vote of a thirteenth; and then wrote to the archdeacons and clergy of each diocese, exhorting them to imitate so laudable an example, and to let him know by a certain day the amount of the aid which each individual was willing to grant§. His son trod in the footsteps of the father: at one time he commissioned the bishops to collect a voluntary contribution from the clergy||; at another he ordered the sheriffs to summon to parliament the abbots and priors "who did not hold "of the crown," in order to grant him a subsidy¶; at last it became customary to issue writs, not only to them, but also to the deans and archdeacons, and to order the latter to come furnished with letters of procuration from the collegiate bodies, and those classes

* Brady, i. 139. Henry, viii. 94.

† Leg. Sax. 334.

‡ See an instance in the annals of Waverley, p. 169.

§ See the original writ, dated at York, May 26, ann. viii^o. in Hody, 270.

Dunst. 98. 968.

¶ Abbates et priores de comitatu qui non tenent de rege in capite. Cl. 19 Hen. III. apud Hody, 313

of the inferior clergy over whom they presided *. The exactions of Innocent IV. suggested a new practice. The grants to that pontiff had been voted in convocation; and Edward I. was content that the wants of the crown should be relieved in the same manner. During the whole of his reign we find him demanding aids of the clergy, sometimes in parliament, sometimes in convocation. In the first case the minor dignitaries of the church were summoned to attend personally; while the parochial clergy of each diocese, like the freeholders of each county, sent representatives †. In the second the king notified his wish to the archbishop, who immediately convoked the clergy of his province to appear before him, and take into consideration the message which they should receive from the king ‡. Of the two methods the clergy preferred the latter: attendance in parliament they deemed a burden rather than an honour; and in convocation they enjoyed greater freedom of debate, uninfluenced by the presence or the menaces of others. Hence they protested against the legality of the royal summons: numbers absented themselves under different pretexts; and the few who were present alleged that they possessed no authority to bind the whole body. Gradually the crown condescended to their wishes. Provided they granted their money, it was of little consequence whether they met in convocation or parliament; and though, to maintain his claim,

* In 1254, Henry III. requested each bishop to call before him the chapter, archdeacons, monks, and clergy of his diocese, induce them to grant an aid, and order them to send deputies to inform him of their proceedings in the next parliament. Cl. 38 Henry III. apud Hody, 340. See also Annal. Burton, 355—357.

† Decanos ecclesiarum cathedralium et archidiaconos in propriis personis, eorumque unusquisque diocesis per duos procuratores. Knyght, 2501.

‡ Thus archbishop Peckham calls a convocation of the bishops, abbots, priors, superiors of religious houses, exempt and not exempt, deans of cathedral and collegiate churches, and the archdeacons, to appear before him super his, quæ ex parte domini regis in congregatione prædicta exposita fuerint, tractaturi: and moreover orders two procurators to be chosen by the clergy of each diocese, and one by each chapter of collegiate churches, with full powers to treat on the same subjects. Ex Reg. Peckham apud Hody, 136.

12 The reader is witness to the repeated attempts
13 of the committee to expedite the execution of the great

later the provisions now became the chief object of a long and very arduous struggle with the crown: and each successful confirmation, though a proof of the impunity with which the former had been evaded or broken, yet added something to its subsequent stability. As new laws and additional enactments were made. In a great council at Merton in 1236 the rights of widows were more strictly enforced: remedies were provided against the artifices by which lords had been deprived of the wardships of heirs, and against the injuries which wards might suffer from the rapacity of their guardians; and with a due attention to the interests of the lord and his tenants, the former was empowered to cultivate the waste land on his estate, but at the same time forbidden to encroach on the common pasturage necessary for the accommodation of the latter*. In this assembly was also decided the great question of the bastardy of children born before the marriage of their parents. By the custom of England they were deprived of all title to the inheritance: by the civil and canon laws they were equally legitimate with the children born in matrimony. Hence as the cognisance of bastardy belonged to the spiritual courts, which followed the latter, and the right of inheritance was determined by the secular courts, which followed the former opinion, the two judicatures were frequently brought into collision; and the bishops requested that the king's writs should no longer direct them to inquire specially whether the individual in question was born before or after marriage, but generally whether he were legitimate or not. They

* Vol. 244, 111. Statutes of Reales, p. 1.

objected to the practice of the other courts: 1°. That it was contrary to the Roman and canon law; 2°. That it was unjust; because it deprived of the right of inheritance the issue of clandestine marriages, though such marriages were not annulled by any law; and 3°. That it was inconsistent with itself; because, while it bastardized the child born, it legitimated the child that was only conceived, before marriage, though in both cases the moral guilt of the parents was exactly the same. But their arguments were fruitless*. The earls and barons unanimously returned the answer, which has been so often repeated and applauded: "We will not change the old and approved laws of England †."

But if the clergy failed in this instance, they had previously succeeded in procuring the abolition of a very ancient but indefensible custom. Though the trial by ordeal was consecrated with religious ceremonies, the popes had always condemned it as an unwarranted appeal to the judgment of the Almighty; and by Gratian the condemnation had been inserted in the canon law. On this account it was abolished, probably by the influence of Gualo, in the beginning of the king's reign: but to devise a new form of trial, which might be substituted in its stead, perplexed and confounded the wisdom both of the judges and of the government. The itinerant justices received orders in Henry's third year to divide the prisoners who would otherwise have been subjected to the ordeal into three classes. When the presumption against the accused was strong, and his character notoriously bad, he was to be remanded to prison and kept in close custody till his fate should be

* See a letter from the celebrated Grosseteste, bishop of Lincoln, to Sir William Raleigh, one of the judges, apud Brown, App. ad Fascic. Rer. p. 316. From it we learn that during the performance of the marriage ceremony the illegitimate children were placed by the side of their parents, and under the same canopy, to show that they partook of the benefits arising from a legitimate marriage.

† *Nolunt leges Angliæ mutare, quæ usitatæ sunt et approbatæ.* Stat. 20 Hen. III. c. 9. Stat. p. 4.

determined by the council : a few shades of difference in the malice of the offence, or a greater degree of uncertainty as to his guilt, or a more favourable character, placed him in the second class of those who were compelled to abjure the realm : if he had been committed for a minor transgression only, or for some breach of the king's peace, he was to be set at liberty on giving security for his good behaviour. This was only a provisional and inadequate regulation : but no statutory enactment followed ; and the judges of their own authority adopted a practice, which had been silently creeping into the criminal courts ever since the proof of innocence by compurgation had been abolished under Henry I. When a prisoner found himself incapable of battle, or was afraid of the trial by ordeal, he would solicit, and sometimes purchase, of the crown permission to put himself on his country ; that is, to have the question of fact determined by inquest of the jurors of the court, as was generally done in civil suits *. It had been hitherto a favour which depended on the discretion of the judges, and was as often refused as granted : but now it was offered gratuitously to all, and was gladly accepted by most. The accused had, indeed, the right of rejecting it ; but if he did, if he refused to plead before a jury, he might be remanded to prison, and be made to suffer the *peine forte et dure*, till he either perished the victim of his own obstinacy, or submitted to the pleasure of the court. Hence arose our present institution of trial by jury in criminal cases †.

III. In his thirty-sixth year Henry published regulations for the preservation of the peace, which deserve the notice of the inquisitive reader. 1°. He renewed

* See instances in Rot. Cur. Reg. of Rich. I., and 1 John, vol. i. 204., ii. 30. 97. 121. 173. 230. 245. On these occasions the accused frequently pleaded that the charge was founded in malice and hatred, and asked that the jury might inquire, "*utrum athia sit vel non.*" Ibid. ii. 30. 97.

† See Sir Fran. Palgrave's "*Commonwealth.*" clxxxvi., et seq., where the reader will find much curious and valuable information on this very interesting subject.

and improved the assize of arms, which had been introduced by his grandfather. The different classes were modelled anew; and every man between the ages of fifteen and sixty was ranked according to his annual income arising from land or movables, from the amount of forty shillings to that of fifteen pounds. 2°. All these were sworn to provide themselves with the arms proper to their class, and were ordered to join, whenever they should be required, the hue and cry in the pursuit of offenders. For this purpose they were placed under the command of their respective officers; in the cities and boroughs under the mayor and bailiffs, and in the villages under the constable or constables of the township, all of whom obeyed the authority of the chief constable of the hundred. 3°. Watch was ordered to be kept from sunset to sunrise during the nights between the feast of the Ascension and that of St. Michael; in the villages by four or six stout and good men armed with bows and arrows and other light weapons; in the boroughs by a company of twelve, and in the cities by companies of six stationed at every gate. If any stranger attempted to enter or depart after the watch was set, he was instantly arrested, and confined for examination till the following morning: nor could a traveller, who arrived by daylight, remain longer than two days in any village or township, unless it were during the time of harvest, or his host would become surety for his conduct. For the greater security of the merchant who was on his road, the mayor and bailiff were bound to furnish him, on requisition, with a guard; and if he numbered his money in their presence, and were afterwards robbed, he could recover the amount of his loss from the inhabitants, who were judged guilty of a breach of their duty to the king by neglecting to pursue the measures necessary to preserve his peace in their neighbourhood*.

IV. The church of England during this period was.

* Apud Paris, 1145, et pone adversaria

adorned by the virtues and abilities of several among its prelates, three of whom may justly claim the attention of the reader. 1°. He is already acquainted with the character of cardinal Langton, his zeal in the cause of freedom, his suspension from the archiepiscopal office, 1218. and his compulsory visit to the court of Rome. As soon as Henry was firmly fixed on the throne, Langton received permission to resume the government of his diocese. From that period he chiefly confined his attention to ecclesiastical concerns; and the fruit of his labours was a code of discipline of forty-two canons, which he published in a synod at Oxford*. But he still continued to behold the two charters with the attachment of a parent; and at the call of the barons, readily placed himself again at their head to demand from Henry the confirmation of their liberties. He died in 1228. His writings have perished; he is said to have divided the Bible into chapters, an improvement which was universally adopted, and is still retained.

2°. The second of the successors of Langton was Dr. Edmund Rich, a prelate universally acknowledged to be equal in learning, superior in piety, to most men of the age. He studied and taught in the university of Paris; returned to England to deliver lectures at Oxford; and was made prebendary and treasurer of the church of Sarum. His next preferment was to the highest dignity in the English church, the archiepiscopal see of Canterbury. It was with unfeigned reluctance that he accepted it. He felt that the timidity of his conscience would not suffer him to acquiesce in the disorders of the age, and that the gentleness of his temper had not fitted him for the stern office of a reformer. Experience justified his apprehensions: many disapproved of his zeal;

* In this synod a clergyman in deacon's orders was convicted of apostacy, delivered to the secular power, and condemned to be burnt. He had suffered himself to be circumcised, that he might marry a Jewish woman. This is, I believe, the first instance of capital punishment in England on the ground of religion; but it occurred long before the statute de hæretico comburendo. *Wikes*, 39. *Waverley*, 187.

and the monks of his own church, the ministers of the crown, and even the pontiff himself, often opposed, occasionally defeated, his well meant endeavours. For several years he struggled against these difficulties: at length he sank under them. Fearing that he might appear to approve by his presence the abuses which he could not remedy by his authority, he voluntarily exiled himself from England, chose for his residence the monastery of Pontigni in France, and died the following ^{A.D.} year at Soissy, where he had removed for the benefit of ^{1240.} the air. Even his adversaries acknowledged the inno- ^{Nov.} cence of his life, and the uprightness of his motives; ^{16.} and within six years after his death he was canonised by Innocent IV. with the unanimous approbation of the bishops of England and France*.

3°. The third prelate whom I shall mention is one to whose history considerable interest has been attached by the partiality of modern writers. Robert Grosseteste was indebted for his education to the charity of the mayor of Lincoln; and by his proficiency amply repaid the discernment of his benefactor. He taught at Oxford with unbounded applause: in the catalogue of his works we discover treatises on almost every branch of science; and he was pronounced by friar Bacon (a competent judge for the age) perfect in divine and human knowledge†. From a prebendal stall he was promoted to the episcopal throne in the church of Lincoln; and an extensive diocese offered him a fair field for the display of ^{A.D.} his abilities, and the exertions of his zeal. With the ^{1225.} same views as his metropolitan he brought to the contest a very different character, a resolution of mind which no difficulty could daunt, no defeat could subdue. When that amiable prelate advised him to desist from an impracticable attempt, and wait in patience for more favourable times, he replied that he should do his duty, and leave the consequences to Heaven. He had per-

* Paris. 476. 486. 627.
VOL. III.

† Ang. Sax. ii. 344, 345.
N

sued himself that every disorder in the flock might be ultimately traced to the negligence or incapacity of the pastor; and grounding his conduct on this principle, invariably refused institution to every pluralist; to clergymen employed in courts of judicature, or the collection of the revenue; to all, who from disposition or circumstances were unwilling or unable to reside on their benefices. The presentees complained; the patrons stormed; the ministers of the crown threatened: but no complaints, nor reproaches, nor threats could move the resolution of Grosseteste*. In the visitation of his diocese he experienced more formidable difficulties. The laity sheltered themselves from his inquiries under the protection of the civil courts: the clerical and monastic bodies pleaded ancient custom or papal exemptions; and all parties appealed to the protection of the king, and the equity of the pontiff. To break or surmount the opposition which had been formed against him, cost the bishop much anxiety and expense, several harassing lawsuits, and two journeys to the papal court. By Innocent IV. he was not only treated with respect, but the principal of his demands were granted; and those powers were delegated to him which appeared necessary for the reformation of his diocese†. His chapter was brought to acknowledge not only a nominal, but an effective jurisdiction in their bishop. He visited the convents and monasteries, deposed negligent or inefficient superiors,

A.D.
1245.
and
1250.

* Gross. ep. 11. 53. 108. 124. 125. 128. Par. 507. Dunst. 252.

† At his second visit to Lyons, Grosseteste presented a memorial on the evils of the church, which proves how little he was disposed to flatter, even when he solicited a favour. It may be divided into three parts. In the first he describes the evil of bad pastors, which he refers ultimately to the papal court, because it might prevent it, if it chose, and because it encouraged it by provisions and impropriations: in the second he enumerates the obstacles opposed to the zeal of the bishops by exemptions, appeals, secular judges, the ingenuity of lawyers, and the hostility of ministers: in the third he paints the abuses to be remedied in the papal court itself, the irregular conduct of the lower class of servants, the venality of the judges, and the immoderate use of the clause non obstante. To the honour of Innocent he ordered this memorial to be read in the consistory of the cardinals, and gave the bishop repeated proofs of his esteem. See Brown, Fascicul. ii. 250. Gross. ep. 113, 114.

and enforced the observation of the monastic rules * with an exactitude, which earned for him the honour of being reviled by the historian of St. Albans †.

In his transactions with the court of Rome Grosseteste exhibited an equal inflexibility of character. No man, indeed, ever professed a more profound veneration for the successors of St. Peter, or entertained more exalted notions of their prerogatives. From his works it appears that he gave to their decretals the force of law in all christian nations; that he maintained as the cause of God every immunity which they had conferred on the clergy; and that he inculcated with unusual vehemence the doctrine of what has since been termed the *indirect* superiority of the spiritual over the temporal power ‡. Yet, with these sentiments as to the nature, he would often dispute the exercise of their authority. Neither pope nor legate could prevail on him to give institution to foreign clergymen, presented to benefices in his diocese §. When the nuncio sent him a provision, by which Frederic of Louvain, the nephew of Innocent IV., was promoted to a prebend in the church of Lincoln, Grosseteste replied in language singularly energetic, that the provision was contrary to the good of the church and the welfare of the souls; that he would not consider it as emanating from the pontiff; and that he should never deem it his duty to carry it into execution ||. This answer, bold as it may appear, was only a repetition of the doctrine which he had formerly maintained in the presence of Innocent himself ¶; and so far was it from exciting passion or resentment in the breast of that pontiff,

* Gross. ep. 77. 80. 81. 90. 95. 121. Paris, 603. 704. 713. Burt. 317. 323. Duns. 230. 236. 237. 284. † Paris, 713.

‡ Gross. ep. 23. 35. 111. Cui non obedire quasi peccatum est ariolandi, et quasi scelus idololatriæ non acquiescere. Ep. 119.

§ Id. ep. 49. 52. 74.

|| Id. ep. 128.

¶ Sicut Christo in omnibus est obediendum, sic et præsentibus huic sedi sacratissimæ, in quantum vere præsentibus, in omnibus est obtemperandum: sin autem quis eorum, quod absit, quicquid præcipiat Christo præceptis et voluntati contrarium, obtemperans ei in huiusmodi manifeste se separat a Christo. Serm. Rob. Linc. apud Brown, ii. 254.

that, as soon as he received it from his agent, he wrote a letter in exculpation of his conduct, and proposed that remedy for the abuse of provisions which has been already described in these pages*.

A. D.
1220. The principal advisers of Grosseteste were selected from the two new orders lately introduced into England, of friars preachers instituted by St. Dominic, and of friars minors established by St. Francis. Both were designed by their founders to aid the parochial clergy in the discharge of their functions; and they performed that duty with the zeal, which always invigorates the infancy of religious institutes. Their diet was abstemious, their clothing coarse and scanty: by the practice as well as the profession of poverty they excluded the suspicion of self-interest; and the people readily listened to the instruction of men, who could be actuated by no other motive than that of their spiritual welfare. From each of these orders Grosseteste called the most distinguished to his council: he was accompanied by them in his visitations: he ordered them to preach in his presence, and applauded and stimulated their exertions†. Thus he spent eight-and-twenty years in the administration and improvement of his diocese. His death was lamented as
A. D.
1253. Oct.
14. a public loss: his virtues were embalmed in the recollection of posterity‡.

Of Henry's children the greater part died in their childhood. Two sons and two daughters survived him. Edward, the eldest, had married Eleanor the daughter of Ferdinand king of Castile, and enjoyed during the life of his father a yearly income of fifteen thousand marks. Edmund had obtained by the forfeiture of the Montforts

* See p. 107. The contemporary annalist of Burton assures us that Innocent's letter was occasioned by the reply of Grosseteste to his agent (Burt. 326—330); a sufficient refutation of the ridiculous tales which are told us by Paris, 750. 752. 755.

† Gross. ep. 40. 41. 114.

‡ The story that he died under a sentence of suspension or excommunication rests on very questionable authority. It probably arises from the comminatory denunciations of the provision which he had rejected.

the numerous estates with the honours of that family, and thus laid the foundation of the power, which enabled his descendants of the house of Lancaster to wrest the sceptre from the hands of Richard II., and retain it to the prejudice of the rightful heir. The daughters were Margaret queen of Scotland, and Beatrix duchess of Bretagne.

CHAPTER III.

EDWARD I.

CONTEMPORARY PRINCES.

<i>Emp. of Ger.</i>	<i>K. of Scot.</i>	<i>K. of France.</i>	<i>K. of Spain.</i>
Rodolph1291	Alexander III.	Philip III.,....1285	Alphonso X.
Adolphus ...1298	1286	Philip IV.	1284
Albert.	Margaret1290		Sancho IV.1295
	Interregnum 1292		Ferdinand IV.
	Baliol1296		
	Interregnum 1306		
	Robert I.		

Popes :

Gregory X. 1276. Innocent V. 1276. Adrian V. 1276. John XXI. 1277. Nicholas III. 1280. Martin IV. 1285. Honorius IV. 1287. Nicholas IV. 1292. Celestin V. 1294. Boniface VIII. 1303. Bendict XI. 1304. Clement V.

Edward returns from Palestine—Conquers Wales—Claims the superiority of Scotland—Receives the Abdication of Baliol—Is opposed by Wallace—Conquers Scotland—Commons in Parliament—Royal Exactions—Opposition of Clergy and Barons—Aids to be levied only with consent of Parliament—Improvement in the Laws—Persecution of the Jews—Bruce claims the Crown of Scotland—Edward marches to Carlisle—And dies.

A.D. If Edward had been disposed to obey the will of his
1271. father, he might have revisited England without dishonour, when the army broke up on the coast of Africa, and the principal leaders returned to their respective dominions. But curiosity and devotion silenced the suggestions of duty and interest: he sailed from Trapani;
Apr.
20. landed at Acre; viewed from the walls the tents of the

Saracens ; and mourned over the last relics of the empire founded by the first crusaders. His followers did not amount to one thousand men : but there was a magic in the name of a prince, whose blood was derived from the same source with that of the 'lion-hearted Richard ;' and both christians and infidels expected that he would equal the fame of that hero. Bondocar, the sultan of ^{Sept.} Babylon, who had already prepared to assault the city, ^{4.} retired immediately across the desert into Egypt ; and Abagha, the Tartar khan of Persia, proposed to him an offensive alliance against the common enemy of the Moguls and christians. But with every exertion he could never collect more than seven thousand men under his standard, a force too inconsiderable to venture far from the coast ; and, though he remained eighteen months at Acre, an expedition to Nazareth, the capture of two small castles, and the surprise of a caravan, comprehend the whole history of his military labours. Instead of the laurels of a conqueror accident invested him with the glory of a martyr. The emir of Joppa, by the ^{A.D.} instructions of Bondocar, and under the pretence of embracing christianity, had succeeded in obtaining the confidence of the prince ; and frequent letters accompanied ^{1272,} with presents concealed and facilitated the design which ^{June} he had formed *. On the Friday in Whitsun week his messenger, whose repeated arrivals had relaxed the vigilance of the guards, was incautiously permitted to enter the apartment, in which Edward, clad in a loose mantle, was reposing on his couch during the heat of the day †. The infidel seized the opportunity to aim a desperate blow at the heart of the prince, who received it on his arm, grappled with the assassin, and throwing him on the ground, despatched him with his own weapon. Still, however, the danger was great: the dagger had

* The monk of Melrose received this account from a knight, one of the crusaders (241) ; and it is confirmed by William of Tripoli, who then resided at Acre. Spond. 245.

† Hora vespertinum—about three in the afternoon. Heming, 590.

June 18. been dipped in poison ; several wounds had been received in the struggle, and Edward, aware of the probable consequences, hastened to prepare and sign his will. Fortunately every dangerous symptom was removed by the skill of an English surgeon, who pared away the sides of the wounds ; and in a few weeks the king through the attentions of an affectionate wife, and the aid of a vigorous constitution, was restored to perfect health. The adventure was of itself romantic enough ; but a Spanish historian has contrived to add to its interest, by attributing his cure to the piety of Eleanor, who, with imminent hazard to her own life, is said to have sucked the poison from the wound of her husband*.

Oct. 3. The conclusion of a truce with the sultan for ten years gave a long respite to the christians of Acre, and allowed the prince an opportunity of returning to Europe with honour. At Trapani he received an invitation to Rome from Gregory X. That pontiff, with the more humble title of archdeacon of Liege, had accompanied Edward in his expedition to Palestine : but the fame of his virtue and learning had induced the cardinals at Viterbo to recall him from Acre to fill the chair of St. Peter ; and the new pontiff was eager to display his gratitude to the prince, with whose friendship he had formerly been honoured. As Edward travelled through Sicily and Calabria, he received the first news of his father's death ; and the tears which he shed on the occasion, though they excited the surprise of Charles of Anjou, bore honourable testimony to the goodness of his heart†. He spent 1273. but two days at Rome ; and proceeding to Orvieto, was Feb. 12. most affectionately received by Gregory, from whom he demanded justice against the assassins of his cousin, Henry d'Almaigne. Simon de Montfort was already dead : but Guy, and his father-in-law Aldobrandini, were cited before the pontiff. The defence or purgation of the latter was admitted : the former, conscious of his

* Heming, 590. Ep. Mart. V. apud Martene, II. 1297. † Trivet. 240.

guilt, did not appear. He was convicted of sacrilege Ap.
and murder, was pronounced infamous and an outlaw, 1.
and was rendered incapable of inheriting, possessing, or
bequeathing property, or of filling any situation of trust,
honour, or emolument in the state*. Edward's journey
through Italy was a triumphal procession: he was con-
sidered as the champion of christendom, the martyr of
the cross; at every city the magistrates, clergy and
people, came out to receive him; and the Milanese
forced on his acceptance valuable presents of horses and
scarlet cloth. At the foot of mount Cenis he was met May
by the count of Savoy; and soon afterwards received 30.
the congratulations of a body of English knights and
prelates†. He proceeded to Paris, and did homage to
Philip for the lands which "he held by right of the
crown of France." From Paris it was expected that he July
would hasten to England: but he was called back to 26.
Guienne by the distracted state of that province, and
detained there till the conclusion of the general council, A. D.
1274. which had been summoned to meet at Lyons. It was May
during this interval that he was challenged to a tourna- 1.
ment by the count of Chalons; who, it was afterwards
said, under the pretence of doing him honour, concealed

* Rym. i. 890. ii. 4—10. Here I may be allowed to pursue the history of Guy. Soon after the sentence had been pronounced, he solicited the clemency of Gregory, and took the opportunity to meet him at a short distance from Florence. In his shirt, with a halter round his neck, and attended by several friends in the same garb, he threw himself at the feet of the Pontiff, and begged that the sentence against him might be commuted for imprisonment. Gregory was moved, ordered him to be confined in a castle of the ecclesiastical states, and wrote to Edward to apologise for his lenity (Rym. ii. 17). Six years afterwards it was reported that Guy had been seen in Norway; and the king promised a valuable reward to two Norwegian barons, if they would seize and deliver him to the royal agents (Id. ii. 143). But the report was unfounded. He was at last liberated, after a confinement of eleven years, by Martin IV., and took possession of Squillace, the patrimony of his wife, in the kingdom of Naples (Wals. 51). He adhered to the house of Anjou; was taken prisoner by Doria the Arragonian admiral, in 1297, and remained in captivity till his death. James, king of Sicily, demanded for his ransom 10,000 ounces of gold, a sum which he knew it was impossible for him to pay. See a letter from his wife on the subject, Rym. ii. 30. It is placed by Rymer in 1274, instead of 1299, the true date.

† Wikes, 99. West. 402.

May a most atrocious design against his life. The pontiff by
15. letter earnestly exhorted the king to refuse, observing
May to him that no monarch had ever condescended to tilt
18. at a tournament; that such feats of arms had been forbidden by the church, on account of the murders with which they were frequently disgraced; and that it was folly in him thus to expose himself to the sword of the assassin, who, he had reason to suspect, at that very time thirsted for his blood*. But Edward's honour was at stake: on the appointed day he entered the lists attended by a thousand champions partly on foot, partly on horseback, and was met by his antagonist with a retinue nearly double in number. It might be, that the English were exasperated by their suspicions, or that their opponents really entertained projects of bloodshed: but the trial of skill and strength was soon converted into a most deadly battle; Edward's archers drove their opponents out of the field, mixed among the knights, and sometimes cutting the girths of their saddles, sometimes ripping up the bowels of their horses, brought the riders to the ground, and secured them as prisoners. The count de Chalons, a most athletic man, after tilting with his spear, threw his arms round the king's neck to pull him from his seat. Edward's charger sprung forward at the same moment, and the count fell to the ground. He was replaced by his attendants: but his fall had rendered him incapable of exertion, and he demanded quarter. The king's passion induced him for a time to belabour a suppliant enemy: at length, disdaining to receive his sword, he compelled him to surrender to one of the foot champions. The English gained the prize after a most dangerous and sanguinary contest†.

Edward now began to think seriously of returning to England: he even issued orders for the necessary

* Rym. ii. 29, 30. These assertions of Gregory seem to countenance the suspicion of some writers, that the attempt to assassinate Edward at Acre was in reality planned by the partisans of the house of Montfort.

† Heming, 592. West. 402. Trivet, 241.

arrangements preparatory to his coronation *. But his departure was again postponed for the discussion of a subject intimately connected with the mercantile interests of the country. Several of his predecessors had purchased the military services of the counts of Flanders with annuities determinable with their lives. The contract was optional, founded on the basis of mutual convenience. But Margaret, the reigning countess, had assumed it as a right, and had demanded, before the death of the late king, the payment of a long balance of arrears, amounting to almost forty thousand marks. The claim was indignantly rejected; and the countess, regardless of the consequences either to herself or her people, seized as an indemnification all the wool of English growth in her dominions, though three-fourths of it had ceased to be English property. Henry had recourse to retaliation; and by the seizure of Flemish manufactures, raised the sum of eight thousand pounds, which he divided among the sufferers in proportion to their respective losses. At the same time the king forbade the exportation of wool and wool-fells to Flanders, and invited with the offer of a premium Flemish clothiers to settle in his dominions. It was however discovered, that through the agency of other foreigners, the prohibited articles were easily introduced into the country; and Edward, soon after the death of his father, had forbidden, under severe penalties, the exportation of wool altogether. This measure subdued the obstinacy of Margaret. The Flemish looms remained idle: the manufacturers were reduced to poverty; the countess herself lost the most productive branch of her revenue. She now solicited an accommodation; and Edward consented to meet her son Guy at Montreuil. A deputation of merchants from London attended to aid him with their advice: the conditions prescribed by the king

June
24.

* Orders were given to provide 380 head of cattle, 430 sheep, 450 pigs, 18 wild boars, 278 fitches of bacon, and 19,660 capons and fowls. Rym. ii. 21.

were accepted; and Guy submitted to offer a public apology. With the Flemish lords he was introduced to Edward, who had assembled around him his court, and the principal inhabitants of the country. "Sir," said Baldwin of Avesnes, "the count of Flanders is come before you to declare his regret, that his mother, my lady the countess, should have seized the goods of your subjects. She conceived that she had a right to make that seizure: but through respect for you, and to obtain your friendship, she promises to make full reparation to the sufferers; and for the performance of this promise the count binds himself and his possessions to you, sir, king of England." Edward replied that he accepted the offer which had been made with so much humility, and the more readily, because he knew that the count was at that time in the Holy Land, and had always disapproved of the injurious conduct of his mother. It was agreed that the eight thousand pounds levied on the goods of the Flemish merchants should be admitted as a part of their reparation; and the commercial intercourse between the two countries was replaced on its ancient footing*.

Aug. From Montreuil Edward hastened to England, and
 2. was crowned at Westminster, together with his con-
 Aug. sort †. Almost two years had elapsed from the death
 19. of Henry; and yet the tranquillity of the kingdom had

* Rym. ii. 24. 32—34.

† Alexander king of Scots, in obedience to the king's summons, attended at the coronation. It had been agreed by Richard I., that as often as the Scottish kings attended the English court in consequence of a summons to that effect, they should be received and accompanied in the same manner as their predecessors had been, by the bishop, sheriff, and barons of each county during their journey, and should be paid £5 per day for their expenses on the road, and thirty shillings per day as long as they remained in the king's court, with 24 loaves, four sexteroes of the best, and eight of inferior wine, four wax tapers, forty better, and eighty inferior candles, two pounds of pepper, and four pounds of cinnamon. Rym. i. 87. But it appears that now they received the £5 for each day during the whole time, and probably purchased their own provisions. Alexander on the present occasion was paid £175. Rym. ii. 42. In what form he did homage is disputed; but Edward was not satisfied, and in 1278 prevailed on him to do homage a second time, and that simply and without reservation. See Note (A).

not been disturbed. If the survivors of the Montfort faction were disposed to rekindle the civil war, they had been overawed by the vigilance of the council, and the expected arrival of the king. Edward had now reached his thirty-sixth year. In person he was tall, but well-proportioned: the length of his arm gave additional force to his stroke; and when he was once placed on his saddle, no struggle of his horse, no violence of the enemy could dislodge him from his seat. In temper he was warm and irascible, impatient of injury, and reckless of danger: but his anger might be disarmed by submission, and his temerity seemed to be justified by success. During the late contest with the barons, he had proved the solidity of his judgment, and the resolution of his mind; and his reputation had been established among the admirers of chivalry by his prowess in battles, in tournaments, and in his expedition to Palestine*. In ambition he did not yield to any of his predecessors: but his ambition aimed at a very different object. They had exhausted their strength in attempting conquests on the continent, which might be wrested from them at any time by a fortunate neighbour: he aspired to unite in himself the sovereignty of the whole island of Great Britain. Nor was he entirely disappointed. Wales was incorporated with England; and the independence of Scotland sought an asylum in the midst of morasses, forests, and mountains. 1. The subjugation of the former, 2. and the attempt to subjugate the latter, will comprise the most interesting occurrences of his reign.

1. After the death of Henry, Llewellyn, like the other vassals of the English throne, had been required to swear fealty to the new monarch. During Edward's absence the refusal of the Welshman had been overlooked: after his coronation the summons was thrice repeated, and as often eluded. It was not that Llewellyn denied the right of the king, or his own obligation; but

* Heming, 1, 2. Trivet, 238.

a clause in the last treaty, which prohibited either party from harbouring the enemies of the other, furnished him with a plausible subject of complaint, and a claim of redress. When this pretext had been removed, he endeavoured to shelter himself under the probability of danger to his life from the malice of his enemies in England. Edward advanced to the borders of Wales and offered him a safe conduct: but he rose in his demands, and required conditions, the extravagance of which proved that they were asked only that they might be rejected. The truth was, that the prince aspired to the honour of asserting the independence of his country, and had resolved not to acknowledge a superior, unless he were compelled by the fortune of arms. At first the English prelates and barons interceded in his favour: his excuses and delays exhausted their patience; they pronounced him a rebel, and granted a fifteenth towards the expenses of the war*. The winter was employed by the king in tempting the fidelity of the Welsh. David, whom, though a brother, Llewellyn had deprived of his patrimony, invited his countrymen to the standard of Edward; and Rees ap Meredith, the representative of the ancient princes of South Wales, gladly fought against the chief of a rival family. Llewellyn on the other hand concluded a treaty of alliance with the king of France; and obtained from all the chieftains of North Wales a promise never to submit to the rule of an English master †. Edward's military tenants assembled in the counties of Shropshire and Cheshire: at Midsummer he crossed the Dee, advanced along the coast, took and fortified the two castles of Flint and Rhuddlan, obtained possession of Anglesea, and with his fleet cut off the communication between Snowdon and the sea. Llewellyn, confined to barren mountains and forests,

A. D.

1276.

Oct.

13

A. D.

1277.

* Rym. ii. 3, 4, 41, 49, 58, 68, 69.

† Thres. des Chart. 114. The Welsh prince in this instrument is prodigal of his flattery to the French king. The treaty shall be preserved in armariis ecclesiasticis, to prove that he and his heirs are the servants of Philip, friends of his friends, and enemies of his enemies. Philip himself is addressed as princeps regum terrarum.

soon felt the privations of famine; and in a few weeks was compelled to throw himself without reserve on the mercy of his adversary. The conditions granted him were, that he should pay a fine of 50,000*l.*; that he should cede to Edward the full possession of the four cantreds between Chester and the river Conway, should hold Anglesea in fee of the English crown by a yearly rent of one thousand marks, should do homage to the king at Rhuddlan and in London, and should deliver ten hostages for his subsequent fidelity. But these terms were prescribed only to show the superiority of the conqueror; and Edward soon yielded to the suggestions of his own generosity. He first remitted the fine of fifty thousand pounds, next the yearly rent for the isle of Anglesea, then gratuitously returned the ten hostages, and lastly, consented to the marriage of Llewellyn with Eleanor de Montfort, daughter to the late earl of Leicester, who the last year, on her passage to Wales, had been taken near Bristol, and conducted a prisoner to the king*.

Nov.
9.Nov.
11.A. D.
1278.
Sept.
19.
Oct.
13.

In the opinion of Edward the subjugation of Wales was now accomplished. He flattered himself that what he had begun by force, he had completed by kindness. The brothers Llewellyn and David were reconciled. To Llewellyn he had behaved rather with the affection of a friend than the severity of an enemy, and his letters to that prince breathed a spirit of moderation which did honour to his heart. To David he had been a bounteous protector. He had granted him the honour of knighthood, extensive estates in both countries, and the hand of Eleanor, daughter to the earl of Ferrers. But he had formed a false estimate of the Welsh character at that period. Hatred of the English had been bequeathed to the natives as a sacred legacy by their fathers through many generations: nor was there an individual, from the prince to the peasant, who was not

* Rym. ii. 88—92. 97. 116. 119. 125. Hem. i. 5. Triv. 147, 148. 251.

ready at any time to draw the sword for the independence of his country. The inhabitants of the districts which had recently been ceded to England were the first to manifest their discontent. They beheld with grief the gradual extinction of their national usages, the distribution of the cantreds into hundreds and shires, and the introduction of English laws and English judicatures. David, with all his obligations to Edward, appeared dissatisfied. His timber had been felled by the king's orders, to open a road through one of his forests; and some of his vassals had been executed by the justiciary for murder, though they had offered the ransom for their lives allowed by the Welsh laws. Even Llewellyn had, or pretended to have, causes of complaint against the encroachment of the royal officers. Though Edward had promised him justice, his mind was exasperated, and he lent a willing ear to the inflammatory suggestions of David. Men of irritable passions seldom weigh the consequences against the pleasure of revenge: but on the present occasion their hopes were invigorated by a foolish confidence in an ancient prediction attributed to Merlin, that when the English money should become circular, the prince of Wales should be crowned in London. Edward had lately issued a new coinage of round half-pennies and farthings, and had forbidden the penny to be any longer divided into halves and quarters. Hence it was wisely concluded that the prediction of the prophet was on the point of being accomplished*.

On Palm Sunday, in the darkness of the night, and amid the howling of a storm, the faithless David surprised the strong castle of Hawarden. Roger Clifford the justiciary was found in his bed, was wounded, and carried a captive to the summit of Snowdon; his knights, esquires, and valets were all put to the sword. This was the signal of a general insurrection. Llewellyn immediately joined his brother, and besieged the castles

A. D.
1282.
Mar.
22.

* Duns. 471. Wikes, 108. Waverley, 235. Triv. 373.

of Flint and Rhuddlan: the different chieftains assembled their families and dependants; and the Welsh poured from their mountains into the marches, laid the country waste with fire and sword, and inflicted on the inhabitants, without distinction of age or sex, every calamity which the ferocity of savages could suggest*. Edward at first refused to believe the intelligence: repeated messages convinced his incredulity, and a strong force was despatched to raise the siege of the two castles. The urgency of the case required the most energetic measures. A forced loan supplied the deficiency of the treasury †; the courts of king's bench and the exchequer were removed to Shrewsbury; and Edward unfurled the royal standard at Worcester. He reduced the castle of Hope, belonging to David, May and issued new orders for his military tenants, and one 17. thousand pioneers, to meet him at Rhuddlan‡. The particulars of the campaign are but imperfectly recorded. The Welsh had added artificial to the natural Aug. defences of their mountains: the king either could 8. not or would not attempt to force their position; and the loss of fourteen bannerets acknowledged by the English, proves that this dilatory system of warfare was as destructive as the most bloody battle. Edward reduced Anglesea: but the advantage was balanced by a severe disaster. A bridge of boats had been hastily thrown across the Menai, and a numerous force passed from the island to observe the entrenchments of the enemy. As they incautiously ascended the hill, a party of Welshmen suddenly started from a place of concealment. Their appearance and shouts intimidated the Nov. English, who fled in confusion to the beach: but the 6.

* Rym. 189. 196. 207. Duns. 471. Waver. 410. Triv. 203.

† The loan was raised on the corporate bodies civil and religious, and on individuals known to possess money. It was never repaid; but the lenders were exempted from the next subsidy granted by parliament. Duns. 476, 477.

‡ Each pioneer was to be furnished with a strong axe or hatchet, and to receive three-pence per day. Rym. ii. 207.

tide had divided the bridge, and the fugitives poured in such numbers into the boats that they sank, and almost the whole party was lost*.

- The archbishop of Canterbury had visited Llewellyn; and, if the Welsh prince had listened to the advice of the prelate, he might have averted his own fate and that of his country. But success had confirmed his obstinacy: he refused the terms which were offered, and trusted to the severity of the winter for the dissolution of the invading army. Edward had ordered a strong force to assemble in the vicinity of Carmarthen; and
- Dec. 6. Llewellyn, leaving the defence of Snowdun to his brother, hastened to Bluit in Radnorshire. The English under Edmund Mortimer and John Giffard appeared on the left bank of the Wye. The bridge was in the possession of the natives; and a numerous force posted on a neighbouring mountain awaited the orders of Llewellyn, who having descended the hill to observe the motions of the enemy, had for repose or shelter entered a barn.
- Dec. 11. He was startled by a sudden shout, but was told by his esquire that it proceeded from the guard at the bridge, which had succeeded in repulsing the enemy. In a few minutes the banners of Mortimer (he had passed the river by a ford) were seen ascending the hill, and Adam Frankton, a knight, accidentally approached the barn. The prince, though without armour and on foot, did not shun the unequal combat. He received the spear of his antagonist in the side; and Frankton, heedless of the quality of the slain, hastened to rejoin the army. The Welsh expected with impatience the return of their prince: the suspicion of his death threw them into despair; and two thousand are said to have fallen by the swords of the assailants. After the battle Frankton returned to examine the individual whom he had slain. It was discovered to be Llewellyn; and

* Walsing. 51. Heming. i. 9. Dunst. 473. The bridge was so broad that forty armed men could march over it abreast of each other.

on his person were found his private signet, and a mysterious list of feigned names, supposed to designate certain traitors in the English army. His head was forwarded to Edward at Rhuddlan, who commanded it to be sent to London and fixed on the Tower. To verify or ridicule the prediction of Merlin, it was encircled with a wreath of silver or ivy*.

The independence of Wales expired with Llewellyn. As soon as his death was known, the other chieftains hastened to make their submission, and were received with kindness by the policy of Edward. David alone held back. He hesitated to throw himself into the hands of the man, whom he had so cruelly offended, and resolved to trust for safety to his own fortune and ingenuity. His castle of Bere, situated in the centre of a morass, was deemed almost impregnable: but he preferred the asylum offered by the mountains and forests, and during six months eluded the vigilance and pursuit of his enemies. But no retreat could secure him from the perfidy of his own countrymen. They hunted him from rock to rock; made him prisoner with his wife and children, and conducted him in chains to the castle of Rhuddlan. It was in vain that he solicited permission to cast himself at the feet of the conqueror. Edward, who had resolved not to forgive, dared not expose his resolution to the proof of an interview. For the trial of the unfortunate prince a parliament was called at Shrewsbury, and the language of the summons fully disclosed the feelings and object of the king. It described the hostility and restlessness of the Welsh, their repeated infraction of treaties, their sanguinary and destructive incursions—charges which perhaps with equal truth might have been urged against their accusers; and then painted in strong colours the ingratitude of David, who, an orphan and exile, had

A. D.
1283June
21.

* Rym. ii. 223—225. Heming. i. 11, 12. West. 411. Wals. 50. Knyghton, 1463.

found in the king a parent and protector, had received from him possessions and retainers, and had been raised by him to the first dignities in his court*. The Welsh prince was arraigned before his peers, eleven earls, and one hundred barons, and was unanimously adjudged "to be drawn to the gallows as a traitor to the king, who had made him a knight; to be hanged as the murderer of the gentlemen taken in the castle of Hawarden; to have his bowels burnt, because he had profaned by assassination the solemnity of Christ's passion; and to have his quarters dispersed through the country, because he had in different places committed the death of his lord the king." This sentence, which for centuries has been the legal sentence in cases of high treason, was literally carried into execution. The fate of David, considered only as the champion of his country's independence, may excite our pity: but that pity will soon be checked by the recollection of his perfidy, ingratitude, and crimes.

A. D. 1284. Edward spent more than a year in Wales, or near the borders, that he might secure the permanency of his conquest. To coerce the inhabitants of Snowdon, the most intractable of the natives, he fortified the castles of Conway and Carnarvon, and distributed the lands around them among the most powerful of the English barons. But his great object was to conciliate and civilize. The stern features of an enemy subsided into the milder aspect of a legislator, who avoided whatever might unnecessarily shock the prejudices of his new subjects, offered his peace and protection to all without distinction, and allowed them to retain their lands subject to the same services by which they had been held of their native princes. At the same time,

* Rymer, ii. 247.

† Dunst. 475. Heming. l. 13. Wikes, 411. The tragedy was terminated by a ridiculous dispute between the citizens of Winchester and York for the possession of the right shoulder of the prince. It was in reality a point of precedence, and decided by the council in favour of Winchester. Waverley, 238

to allure them from the roving manner of life to which they had been accustomed, he established corporate bodies of merchants in the principal towns; and to restrain their habits of violence and bloodshed, introduced the jurisprudence of the English courts, divided the country into shires and hundreds, and issued new forms of writs adapted to the Welsh manners and tenures*. It might be the effect of policy; it was more probably owing to the king's stay in the country, that in the castle of Carnarvon, Eleanor was delivered of her son Edward. The natives claimed the child as their countryman; and when he was afterwards declared prince of Wales, joyfully hailed the event, as if it had proclaimed the restoration of their independence †.

A. D.
1284.
Apri.
25.

From the final pacification of Wales to the commencement of the troubles in Scotland, elapsed an interval of four years, one of which was spent by Edward in England in legislating for his own subjects, the rest on the continent in the difficult but honourable office of arbitrator between the kings of France, Arragon, and Sicily. Charles of Anjou had been for some years in the peaceable possession of Sicily: it was stolen from him by the cunning of Peter the king of Arragon. That prince had pretended to undertake a crusade against the infidels, and sailed to the neighbourhood of Tunis: at the instigation of those who were in the secret, the Sicilians suddenly rose and murdered every Frenchman in the five cities of the island; and the king of Arragon ascended without opposition the throne of Sicily. It was a bold

* See the *statutum Wallie*, published in the *Statutes of the Realm*, p. 56. From it we learn that the ancient laws of Wales bore very hard upon females. No dower was allowed to widows, nor could daughters succeed to the lands of their fathers. On the first of these heads the king introduced the custom of England; on the second he allowed the lands to be divided as formerly among the sons, but excepted bastards from the division, and determined that, in failure of male issue, the inheritance should descend to the females. *Ibid.* p. 57. He also allowed proof by compurgation in personal actions, but abolished it with respect to theft and other grievous crimes. *Ibid.* 68.

† *Wals.* 52. *Trivet*, 261. I know nothing of the massacre of the bards, — a fiction to which we owe Gray's celebrated ode.

and dangerous measure. Whatever might be the griefs of the natives, the blood of eight thousand fellow-creatures fixed an indelible stain on their cause and that of their new monarch: the pope, who claimed both Sicily and Arragon as fiefs of his see, excommunicated the assassins and their protector. Charles, who still retained the south of Italy, invited to his standard adventurers from every country; and Philip of France, accepting from the pontiff the donation of Arragon for his younger son, entered Catalonia with an army of seventy thousand men. The fortune or abilities of Peter were a match for all his enemies. The papal sentence he set at nought: he committed the defence of Sicily to Doria, who destroyed the French fleet, and made prisoner the prince of Salerno, the son of Charles of Anjou; and he compelled Philip, after wasting his forces among the Pyrenees, to retire precipitately into France. While the greater part of Europe was thus convulsed by the ambition of these princes, the same year consigned them to the tranquillity of the grave. Philip III. left his crown to his son Philip IV., a youth in his seventeenth year: Peter was succeeded in Arragon by his son Alphonso, in Sicily by his son James; and the prince of Salerno, the heir to Charles and the pretensions of the house of Anjou, was still a captive in the possession of the latter. The French regency invited Edward to assume the office of mediator: nor was it difficult to reconcile Philip and Alphonso, who had not inherited the irritation of their fathers.

July First an armistice, afterwards a peace was concluded by 25. the good offices of the king of England. To obtain the freedom of the prince of Salerno was a more arduous task, and cost Edward several journeys, and repeated negotiations. It was at last effected, but on conditions 1288. which secured to James the undisputed possession of his kingdom. Charles, however, when he had obtained his liberty, eluded every obligation, was crowned king of the Oct. 27. two Sicilies, and sought to remove his rival by force of arms. The issue of the contest might have been doubt-

ful; but, by the death of Alphonso, James succeeded to the throne of Arragon, and with the united power of the two kingdoms, was able to defeat all the efforts of the house of Anjou*.

While Edward was thus employed in the concerns of foreign states, the people of England complained that he neglected the interests of his own kingdom. The refusal of a supply by the parliament admonished him to return; and he soon found in the unfortunate situation of Scotland an ample field for the exercise of his policy and ambition. His sister Margaret had been dead fifteen years. She had borne her husband the king of Scotland two sons, Alexander and David, and a daughter, Margaret, married to Eric king of Norway; and Alexander consoled his widowhood with the expectation of transmitting the crown to his lineal descendants. But in 1281 David died: three years later Margaret, and within twelve months after Margaret, the young Alexander sunk into the grave. The afflicted father, at the request of his nobility, consented to take a second wife; but soon after his marriage with Jolette, the daughter of the count of Dreux, was accidentally killed by a fall from his horse. The crown of course devolved to his grandchild, an infant, a female, and a foreigner, Margaret, the daughter of the king of Norway, about three years of age. Before the death of Alexander she had been declared heir apparent: her right was now acknowledged by the states of the kingdom; and a council of regency was appointed to execute in her name the duties of royalty. Edward saw, and resolved not to forfeit, the opportunity. He had it now in his power to unite the English and Scottish crowns on the head of his own son by marrying him to the infant queen. Whether he originally suggested the plan which was followed, we know not. Eric first appointed commissioners to treat with

A. D.
1289.
Aug.
12.

A. D.
1286.
Mar.
16.

April
1.

* See the tedious negotiations on these subjects in Rymer, tom. ii. from p. 317 to 470.



- the Scots respecting the interests of his daughter, but to treat with them only in the presence of Edward*. Edward by his messengers requested the Scottish guardians to meet the views of the Norwegian; and they, on their part, consented to the conference; but at the same time, aware of the king's pretensions to the superiority over
- Oct. Scotland, limited the powers of their commissioners by
3. a clause, saving the honour and liberty of the kingdom, and disabling "them from making any concession, pre-judicial to the crown or the people thereof." Their jealousy, though justifiable, was unnecessary. Edward was not the man to defeat his own purpose by his indiscretion, and carefully abstained from putting forth any claim which might excite diffidence or alarm. In the
- Nov. conferences at Salisbury, after many long and stormy
6. debates, it was agreed on the part of Eric that within the next twelve months he should send his daughter to England, free from any contract of marriage; on the part of Edward, that he should deliver her equally free to her subjects on their requisition, provided the state of Scotland were such, that in his opinion she might reside there in safety and with honour; and on the part of the Scots, that they should give sufficient security not to marry her to any one "but by the ordainment, will and counsel of the king of England, and with the assent of
- Dated "the king of Norway†." Edward had already sent mes-
- Nov. sengers to Rome: in a short time they returned with a
16. papal dispensation for the marriage of prince Edward
- A. D. with his cousin Margaret; and the English and Nor-
1290. wegian commissioners, when they met the Scottish par-
- Mar. liament at Brigham on the borders, prevailed on that
- 17.

* Why in presence of Edward? Because, we are told, he was grand-uncle of the young queen. It might be so; but I suspect that Eric considered Edward as possessing an authority in Scotland which he could not derive from his relationship to Margaret. Eric claimed about 3000 marks from the Scots; and requested the English king, not merely *to use his interest with*, as it has been ingeniously translated,—but *to issue his commands* to the guardians of Scotland to pay to him what was due. *Quatenus custodibus dare velitis in mandatis.* New Rym. i. 732.

† Fors par sun ordeynement, volonte, et sun consayl. Ibid. 730.

body to make the first proposal of such marriage in letters to Edward and Eric. By both it was graciously accepted ; and Edward willingly granted the requests of the Scots, of which the principal were, that the laws, rights and customs of the Scottish people should be preserved ; that July Scotland should remain "a separate kingdom, divided, 17. "free, and without subjection, by its ancient limits ;" and that, if either of the parties died without issue by the marriage, the kingdom should be restored fully, freely, absolutely, and without subjection, to the right heir. That, however, he might not be supposed to have surrendered by these provisions his pretensions to feudal superiority, a protestation was added that nothing in this treaty should be so explained as to add to, or take from, any right previously belonging to either monarch or kingdom *. Every difficulty was now cleared away ; but the prospect so flattering to the hopes, so essential to the prosperity of both kingdoms, was speedily closed. The maid of Norway (so she was called) was of too delicate a constitution to bear the fatigues of the voyage, and was compelled to land in one of the Orkneys ; where she Oct. sickened and recovered, relapsed, and died. Her death 7. was to her subjects the source of numerous calamities ; and the revolutions which followed served to convert the ancient rivalry between England and Scotland into the bitterest and most lasting enmity †.

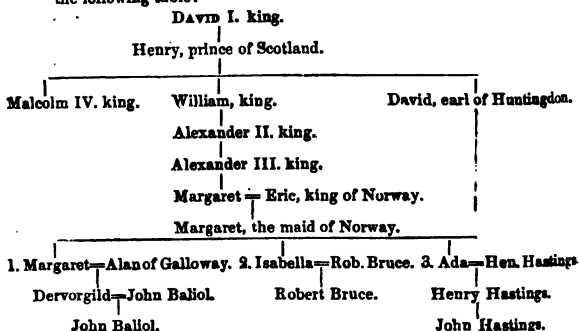
By the demise of Margaret the posterity of the three last kings of Scotland, William, Alexander II. and Alexander III. had become extinct ; and no fewer than thirteen claimants appeared, who, with one exception, founded their pretensions to the crown on their legitimate or spurious descent from the royal family. Of these one derived his right from an usurper, six from

* New Rym. i. 721. 730. 735. *Protestamur etiam quod omnia præmissa taliter intelligantur, quod juri unius regni vel alterius ratione presentis facti nihil decrescat aliquantulum, vel accrescat.* 736. Compare this passage with "Vindication of Independence of Scotland," p. 12.

† Rym. ii. 445. 471—474. 482—489. 1090, 1091.

illegitimate children; two from a sister of William the Lion; and Eric king of Norway demanded to be considered as heir to his daughter the deceased queen. In disposing of these ten claims there could be little difficulty: the true heir was to be sought among the descendants of David earl of Huntingdon, the brother of king William. From Margaret, the eldest of his daughters, was sprung John Baliol, lord of Galloway, from Isabella, the second, Robert Bruce, lord of Annandale, and from Ada, the third, John Hastings, lord of Abergavenny. The latter, while the posterity of the other sisters was living, could only pretend to a share in the succession, if it were divisible: nor could Bruce have opposed the claim of Baliol, the descendant of the elder sister, had he not been the grandson, while Baliol was only the great-grandson of David*. The point therefore to be decided was, whether the crown belonged of right to the representative of the elder daughter, though more remote by one degree, or to the representative of the second daughter, because he was nearer by one degree. At the present day it would not bear a dispute; but in that age the law of descents was not uniformly observed.

* The claims of these three competitors will be best understood from the following table:



and in many cases power had as much influence as justice in determining the succession. The prospect of the evils to which Scotland was exposed from the competition of so many claimants appalled every well-wisher to his country ; and the states wisely determined to refer the controversy to the king of England, as a judge whose equity had been acknowledged by the greatest princes in Europe, and whose power was equal to the task of enforcing obedience to his decision*.

By Edward the office was willingly accepted; not, however, as an appointment emanating from the election of others, but as a right inherent in his own crown. The cognizance of the cause belonged to him ; so he pretended, because he was the superior lord of Scotland, whose kings reigned as his vassals. The Scottish writers have warmly inveighed against the ambition of the prince who thus attempted to impose on their country the chain of feudal subjection : but their invectives appear to be grounded less on sound reasoning than on national partiality. It is certain that for almost four centuries the kings of England had been accustomed to receive the homage and fealty of the kings of Scotland. The object, indeed, of that homage was a matter of controversy. The former claimed it for the crown of Scotland : the latter pretended to render it for lands held under the crown of England †. Both were equally obstinate ; and

* Heming. 30.

† On this question, which was so fiercely debated a century ago, and has now subsided into a mere historical problem, I may be allowed to make a few observations.—1. If the reader turns back to the preceding pages (vol. i. p. 199, not. p. 209, 210, not. p. 224. 229, 290, not.) he will, I think, find sufficient reason to believe on the testimony of contemporary or almost contemporary writers, that the princes with the people of the Scots were repeatedly compelled to own themselves the vassals of the Anglo-Saxon kings, and that too before they held any lands of the English crown.—2. If we may believe historians who lived at the time, and could not be ignorant of the real fact, Malcolm did homage for his crown to William the Conqueror (Hist. ii. 36), and also to his successor William Rufus (Ibid. 87). But when he was required to appear before William's court, he replied that the kings of Scotland were accustomed to do right to the kings of England only on the borders, and in a court composed of the barons of both realms. (Ibid. 88.) Under Henry I. the royal families of the two kingdoms became allied by inter-

generally, to avoid an appeal to the sword, the homage was performed and accepted with mutual reservations, which saved to each party his respective rights. When William the Lion became the captive of Henry II. he was compelled to purchase his liberty by an acknowledgment, given under his seal and the seals of the Scottish prelates and barons, that he held his kingdom as a fief under the king of England: but the poverty of Richard induced him to return this concession to that prince for the sum of ten thousand marks, and to replace the rights of each crown on their original footing*. His successors, John and Henry III., not only asserted, but if we may believe the latter, actually enforced their claim, and received homage for the Scottish crown from William, Alexander

marriages. David, king of Scotland, was frequently in England, did homage to Henry, and assisted at different great councils as the first of the peers. Later Scottish writers maintain that he did this as earl of Huntingdon; English writers, that he did it as king of Scotland.—4. During the civil wars between Stephen and Matilda, he seized the three northern counties, and added them to his dominions. But his successor Malcolm was compelled to restore them to Henry II. He did homage, and accompanied his lord, the king of England, in his expedition into France. William succeeded Malcolm, and also did homage, but joining Henry's sons in their rebellion, was made prisoner. Henry extorted from him a new oath of allegiance, in which he became the vassal of the English crown against all manner of men whomsoever, according to the new forms invented by the feudal lawyers. There can be no doubt that he did homage for his kingdom (Hist. ii. 977).—5. From this last acknowledgment he purchased a release of Richard I., and thus replaced the question on its ancient footing (Ibid. 311). But John, Henry, and Edward, still required homage from him and his successors, as kings of Scotland; and they, though they did homage, yet contrived to do it under a protest saving their rights, whilst the English kings, though they received it in this manner, received it under a similar protest saving their rights as superior lords; an expedient not unfrequent in feudal diplomacy, by which the question was kept alive, and no precedent hostile to the claim of either party was established.—6. Hence, in my opinion, the real facts in this case are, that the kings of England for centuries claimed, and occasionally exercised, the right of superiority, and the kings of Scotland, accordingly, as circumstances suggested, sometimes admitted, sometimes eluded, and sometimes denied the pretensions of their more powerful neighbours.

* In the original charter, Richard requires that William nobis facia integre et plenarie quicquid rex Scocie Malcolmus frater ejus antecessoribus nostris de jure fecit et de jure facere debuit. Rym. i. 64. In the copy transmitted to us by Fordun, after antecessoribus nostris are interpolated the words pro terris suis in Anglia. Ford. Scotiehr. i. 501. It is certain that homage was performed before the Scottish kings possessed lands in England, which lands were originally given them for their accommodation, when they came to do homage. (Hist. i. 229.)

II., and Alexander III. When Edward ascended the throne, the dispute had been revived. For four years Alexander resisted: at last he offered to do homage simply and without any condition. The proposal was accepted; and the Scottish king on his knees, and in the presence of the English prelates and barons, said: "I, Alexander, king of Scotland, become the liege man of the lord Edward, king of England, against all men." "And I," replied Edward, "receive you as such, saving the claim and right which I and my successors have to the homage of you and your successors for the kingdom of Scotland, when we shall choose to require it*." To the Scots therefore the demand of Edward on the present occasion could not be new or unexpected. He asked no more than what he and his predecessors had maintained to be their right. He might perhaps have displayed more generosity if he had waived his claim till the throne of Scotland had a prince to support its pretensions: but he is not to be condemned of injustice because he seized the most favourable moment for the exercise of a prerogative, which he was convinced belonged to his crown.

The king, by circular letters, had announced his pretensions to the prelates, barons, and commonalty of Scotland, and summoned them to meet him at Norham on the borders of the two kingdoms. Edward took up his residence in the castle, attended by his barons of the northern counties: the Scots assembled at Upsetlington, now Ladykirk, on the opposite bank of the Tweed. On the appointed day, in the church of Norham, Brabazon, the English justiciary, addressed the states of Scotland on the part of the king, informing them that Edward was come to decide the great cause of the succession to their crown; that he wished to avail himself of their knowledge and advice; and that as a preliminary he required them to acknowledge him for their feudal

A. D.
1291.
May
10.

* Rym. ii. 126.

- May** and direct superior. The next day was assigned for their
 11 answer: but they requested a further delay, that they might be able to consult those prelates and barons who had not yet arrived. The request was granted: an instrument, containing the proofs of the alleged superiority of the English kings, was delivered into their hands, and they were required to produce their objections, if they had any, on the first day of June, when Edward would be ready to do them justice*. The first of June passed; nor was any counter-plea put in on the part of the Scots: on the second the bishop of Bath, the chancellor, crossed the Tweed to Upsetlington, recapitulated
 June 2. the previous proceedings, and added, that since the king's claim had not been opposed, Edward would proceed to exercise it by hearing and determining the cause. He therefore called on Robert Bruce to say, whether he were ready to abide by the decision of the king of England as sovereign lord of Scotland. Bruce (and it is worthy of remark that Bruce was the first) replied in the affirmative. The same question was then put to the other competitors present, and from all the same answer was received. Baliol, however, did not appear. Perhaps he was unwilling to acquiesce in the degradation of the Scottish crown: perhaps he courted
 June 3. popularity by an affected delay. When on the following morning he was asked the same question, he hesitated, retired to consult his friends, and returning, at last gave a full, but apparently a reluctant, assent. The assembly proceeded immediately to the church of Norham, where they were joined by Edward. The chancellor, in a set speech, asserted the king's claim, and declared his intention to do strict justice to each of the competitors. Edward repeated the same thing in nearly the same words; and the different claimants publicly signed an instrument, in which they professed themselves willing

* The time allotted was three weeks, reckoning from the tenth of May, and consequently ending on the last day of May. Some mistakes have arisen from the supposition that it ended on the 1st of June. Rym. ii. 544.

to receive judgment from the king, in virtue of his right as superior lord. It was unanimously resolved that each suitor should in the first instance exhibit his proofs before a council, consisting of forty Scots, named by Baliol and Comyn, of forty others selected by Bruce, and of twenty-four Englishmen, to be appointed by Edward. All the parties agreed that this council should hold its sittings at Berwick: but as they differed with respect to the time, the king interposed, and fixed the first session for the second of August. In the mean time, that he might be enabled to put his judgment in execution, the six regents and the wardens of the royal castles resigned their respective charges into his hands, and all the military tenants of the Scottish crown swore fealty to him as superior lord of Scotland*.

In the beginning of the next year Edward sent his envoys, John of St. John, and Roger L'Estrange, to Rome, to obtain from Nicholas IV. a confirmation of the recognition which had been made by the competitors, that the Scottish crown was dependent on that of England. The pontiff, having consulted the cardinals, returned a civil but positive refusal. He was anxious, he said, to comply with the royal wishes, as far as his conscience would permit him; but the superiority of Edward was a delicate and dangerous question, which might lead to many serious evils, and which involved the interests of numbers both among the clergy and laity. Neither could he approve of any measure, which might injure the rights of individuals, and in particular "that right which the Roman church itself possessed in the kingdom of Scotland†." This check did not arrest the ambition of Edward, who at the appointed time hastened to Berwick to receive the report of the council. But its members, divided by party views or personal interests, and confounded by the number of the com-

* Rym. ii. 542—550. Rot. Scotiæ, i. l. Lanercost, 140.

† Nolentes quoque aliquorum juri, et specialiter juri quod in regno ipso Romana habet ecclesia, derogari. Apud Raynald, ii. 456.

petitors and the multiplicity of the pleadings, had come to no determination. To abridge the proceedings, he ordered them to confine their attention in the first place to the cases of Baliol and Bruce; and when they had disposed of the claims of these, to revert to those of the other suitors. After an interval of four months the

Oct. 14. delegates appeared before the king in a parliament of both nations at the same place, and in answer to their petition for instructions, were told that the succession to the crown was regulated by the same laws as the succession to earldoms, baronies, and all other impartible tenures. Baliol and Bruce now appeared before them. The latter maintained that with regard to the inheritance of subjects, the first born might be preferred to others; but that in the succession to a kingdom, an impartible inheritance, the prerogative of primogeniture must by the law of nature yield to proximity of blood; that he was a degree nearer than Baliol to David their common ancestor; that Dervorgild, Baliol's mother, who had resigned her right to her son, was indeed in the same degree with himself; but that, when the proximity of blood was equal, the male was always preferred to the female. Baliol urged on the contrary, that by the law and custom both of England and Scotland, whenever the inheritance was indivisible, it descended to all the heirs of the elder branch, before it could devolve on any one of the younger branch; and therefore, since he was sprung from Margaret the elder sister, and Bruce from Isabella the younger, his claim was preferable to that of his competitor*.

* Rym. 581—586. To facilitate this inquiry, Edward ordered all records and muniments "touching the right of the suitors in the kingdom of Scotland" to be brought to Berwick, (which, it should be remembered, was in that kingdom,) for the use of the delegates. It has been pretended by several Scottish writers that, instead of returning them, he transferred all the Scottish records to Westminster. But of such transfer no trace is to be discovered: and certain it is, from different instruments, that many of them were afterwards in the possession of Baliol, and in the castle of Edinburgh. See a paper by Mr. Black, in App. to "Papers and Documents relative to the Evidence before the Committee, &c." p. 427—430. It is

The delegates now made their report, and Edward laid it before the united parliament of the two nations. To simplify the subject, the abstract question was asked, whether the crown descended in the order of birth, or was hereditary by proximity of blood. The answer was unanimously in favour of primogeniture—a decision fatal to the pretensions of Bruce. Two of the competitors, Comyn and Mandeville, had never prosecuted their claims: the arguments of the remaining eight occupied the eleven following days; and on the seventeenth of November, after an inquiry which had lasted eighteen months, judgment was given in the name of the king, by the advice and with the consent of the prelates, barons, and commonalties of both realms. By the retreat or non-appearance of the others the suitors had been reduced to three, Baliol, Bruce, and Hastings, of whom the two latter had united to demand a partition of the kingdom, on the ground that the inheritance of David ought to be divided among the descendants of his three daughters. But it was decided that the kingdom with its escheats was indivisible; and that, therefore, John of Baliol, the heir of David by his eldest daughter, should recover and have seizin of it and of all its appurtenances*. The regency was dissolved, the royal castles were delivered to Baliol, and that prince swore fealty to Edward in these words: "Hear you this, my lord Edward, king of England, and sovereign lord of the realm of Scotland, that I, John of Baliol, king of Scotland, do fealty to you for the realm of Scotland which I hold, and claim to hold of you; that I will be faithful and loyal to you, and faith and loyalty will bear you of life and limb, and worldly honour, against all men that may live and die; and loyally I will

indeed true that no records of an earlier date than the reign of Robert I. exist in Scotland; but neither do they exist in England. The probability is, that they perished in 1661, when, by command of Charles II., the records brought from Scotland under the commonwealth were sent back by sea, and eighty-five hogsheads of papers were lost in a ship which foundered. See Mr. Cooper, on "Public Rec." ii. 185.

* Rym. 586. 590.

“acknowledge and loyally perform the services that are
 “due to you for the aforesaid kingdom of Scotland—So
 Dec. “help me God and these holy gospels.” Five weeks
 26. later he was summoned to do homage at Newcastle,
 where the ceremony was performed in the usual manner
 and with these words: “My lord, sir Edward king of
 “England, sovereign lord of the realm of Scotland, I,
 “John of Baliol, king of Scotland, become your liege
 “man for the kingdom of Scotland and all its appurte-
 “nances and appendages, which kingdom I hold, and
 “ought of right, and claim to hold by inheritance for
 “myself and my heirs kings of Scotland, of you and
 “your heirs, kings of England. And faith and loyalty
 “I will bear to you and your heirs, kings of England,
 “of life and limb, and earthly honour, against all men
 “that may live and die*.” A few days later Edward
 A. D. issued letters patent, in which he declared that, with
 1293. respect to the heir to the Scottish crown, whatever
 Jan. might be his age, the king of England had no claim of
 4. wardship, or marriage or seizin of the kingdom; nor
 any other rights than homage and suzerainty, and the
 rights appendent to such homage and suzerainty†.
 Thus ended this memorable controversy, in which the
 king, whatever may be thought of his own pretensions,
 evinced the most laudable anxiety to do justice to the
 different competitors, and ultimately adjudged the crown
 to that claimant who was undoubtedly the true heir.

Baliol, to obtain a crown, had consented to wear it as
 a vassal. He soon felt the consequences of vassalage,
 and was taught by a succession of petty indignities to
 regret the more humble station from which he had
 risen. Every suitor in his courts, who was dissatisfied
 with the decision of the king, could appeal to the equity
 of his superior lord. Edward declared it to be his duty

* Rym. ii. 590—595. Rot. Scot. i. 11. 16.

† These letters completely refute all the reasoning in favour of the
 independence of the Scottish crown, founded on the supposition that
 wardship, marriage, and custody of lands were the unalienable rights of
 feudal superiority. See Vindication of Indep. 8. 10. 24.

to administer justice with impartiality to the lowest as well as to the highest of his vassals; and the king of Scotland within the first year of his reign was served with no fewer than four citations to answer in the court of the king of England, and prove the legality of his judgments*: It is difficult to reconcile such proceedings with the usual policy of Edward. He could not be ignorant that the Scots bore his superiority with impatience: nor was it possible to doubt that by its frequent exercise he must add to their dissatisfaction, and provoke their resistance. We may, however, safely acquit him of the design imputed to him, of humbling Baliol by a system of studied degradation. Such appeals were now grown common, wherever the feudal jurisprudence prevailed. Edward himself, as duke of Aquitaine, had frequently been summoned to repel the charges of his vassals, or to accept of wager of battle in the court of the king of France: nor could the royal justiciaries have safely rejected the prayer of the appellants when it was made in due form of law. In every other respect the conduct of Edward to Baliol was honourable and kind. He faithfully restored to him every fortress in Scotland; he declared by a public instrument, that in the case of a minority the king of England had no right to the wardship or marriage of the heir to the Scottish crown; and on every occasion granted with

* Rym. ii. 605. 606. 608. 615. Rot. Scot. 17, 18, 19. With the advice of his parliament Edward resolved, that in all cases of appeal, if the king of Scots did not answer on the second summons, he should lose the cognizance of the principal cause, and be amerced at the royal pleasure; that if he were convicted of unjustly dispossessing others of their lands, he should be amerced, and the lands restored to their rightful owners, who, during their own lives, and the lives of Edward and Baliol, should hold them of the English crown; and that for false judgment or imprisonment he should be amerced, and liable to pay damages. Rot. Parl. i. 110. The very introduction of these regulations proves that hitherto appeals from the judgment of the Scottish king were unknown in the English courts. No such appeals had taken place under his predecessors, not even between the years 1174 and 1189, when both the Scottish king and nation openly acknowledged the feudal superiority of the English crown. They were an innovation; but Edward was determined to attach to his superiority all those rights which, as duke of Guienne, he had been compelled to acknowledge in the crown of France.

cheerfulness the just claims advanced, or the favours requested by his royal vassal.

The only appeal which could give uneasiness to the new king was brought by Macduff, the son of Malcolm, earl of Fife. During the Scottish interregnum, the regents, by the command of the king of England, had heard his claim, and adjudged to him the possession of the lands of Reres and Crey. Baliol, however, by the advice of his council, and on the ground that these estates ought to remain in the hands of the king during the minority of another claimant, cast Macduff into prison, and reversed the judgment of the regents; a proceeding which was certainly injudicious, as it bore the appearance of an insult to Edward, under whose authority the former decision had been pronounced*. Macduff appealed to the equity of their common lord; and Baliol was summoned to answer his complaint in the king's court in Trinity term. The first summons he disregarded; and a second was delivered to him in the castle of Stirling by the sheriff of Northumberland, Aug. 2. citing him to answer not only to the appeal of Macduff, but for his contempt of Edward's authority†. Here, however, it should be observed, that his personal attendance was not required: both the plaintiff and the defendant might in such cases appear, if they thought proper, by their respective attorneys‡. But Baliol, with the view, as it seems, of objecting to the practice of appeals altogether, attended on the appointed day, and Sept. 30. as soon as the complaint of Macduff had been read §, arose, disclaimed all intended contempt of his superior lord, and maintained that he was not bound to answer the appellant. The court decided against him, and Macduff prayed judgment in his own favour. Edward observed to Baliol, that he had sworn fealty, and done

* Rym. ii. 590. 598. 602. 619. 635.

† Id. ii. 604. 606.

‡ Habeant attornatum secundum consuetudinem curiæ Anglicanæ, si sibi viderint expedire. Rot. Parl. i. 110.

§ Macduff laid the damages for false imprisonment at 700 marks: those for contempt of Edward's authority at 10,000. Rot. Parl. i. 112.

homage to the English crown; that he had been lawfully summoned before the court of his superior lord, and that he was bound to answer, or to show cause why he ought not. The king of Scots replied, that it was a matter which regarded the rights of his crown, and in which he did not dare to answer without the advice of the good men of his realm. When it was observed that he might have time to consult them, he replied that he would not ask either for time or adjournment. Edward now required the advice of the prelates, lords, and judges forming his council, by whom it was resolved, that Baliol had offered no defence; that the cognizance of the principal cause had devolved to the king of England; that Macduff in compensation for his imprisonment should recover damages to be taxed by the court; that the king of Scots by refusing to answer, though he had formerly submitted his right to the succession to the decision of his lord, had committed a manifest contempt and disobedience; and that until he made satisfaction for such contempt and disobedience, three of his castles in Scotland, with their royalties, should be sequestrated in the king's hands. But before this judgment was pronounced, Baliol addressed Edward in the following manner: "Sir, I am your liege man for the realm of Scotland; and, as the present matter concerns my subjects as well as myself, I pray you to forbear, till I consult them, that I may not be surprised for want of advice. At your next parliament after Easter I will answer according to their counsel, and will do to you whatever I ought to do*." The request

* Rot. Parl. i. 113. Ryley, 160—165. In cases of contempt and disobedience, the usual judgment was to seize the lands of the defendant, and commit him to prison at the king's pleasure. After a certain time he was allowed to obtain his liberty on the payment of an arbitrary fine. Rot. Parl. i. 70. 77. But often, before the judgment was pronounced, the defendant solicited the king's favour, and obtained either a delay, or a cessation of the proceedings against him. On such occasions he generally submitted himself to the king's pleasure without reserve (*de alto et basso*); and paid any fine that might be demanded. See the case of the archbishop of York. Rot. Parl. i. 104.

Oct.
29.

was immediately granted: nor did Edward appear to retain any resentment against him for his preceding conduct. His claim to the honours and lands of Tyndale, Penrith, and Sowerby, with a third part of the honour of Huntingdon, was allowed; and he was generously exempted from the payment of the relief due for the estates of his mother Dervorgild, which amounted to three thousand pounds. As to the cause between him and Macduff, it was never decided. Baliol obtained adjournment after adjournment, till the war ensued, which deprived him of his kingdom.

While Edward thus exercised his newly acquired superiority over his vassal the king of Scots, he was doomed to experience, as duke of Aquitaine, similar mortifications from the superior jurisdiction of his lord the king of France. The pretended offence, for which that monarch deprived him of Gascony, grew out of a private dispute between two sailors at a watering-place on the French coast. An Englishman and a Norman met by accident, quarrelled and fought. The Norman fell: the Englishman was rescued by his shipmates; and the Norman sailors, to revenge the death of their countrymen, boarded the first English vessel which they met, took out a passenger, a merchant from Bayonne, and hanged him with a dog at his heels from the head of their mast. Retaliation followed: the mariners of each country took part in the quarrel; the Normans called out to their assistance the sailors of France and Genoa; the English associated with those of Ireland and Gascony; and the seas were covered with hostile squadrons, which, without any commission from their sovereigns, made war on each other, and under the influence of passion perpetrated outrages unknown to legitimate hostility. A Norman fleet, amounting to more than two hundred sail of all descriptions, after riding for some time triumphant in the Channel, pillaged the coast of Gascony, and returned with their plunder to St. Mahé, a port in Bretagne. Here they were dis-

covered by the mariners of Portsmouth and the cinque ports, who had collected eighty stout ships well manned, and prepared for battle. A challenge was given and accepted: the hostile fleets assembled round a ship which had been moored in a particular spot by mutual consent; and the victory was contested with a stubbornness that has seldom been paralleled. At length the fortune, or the valour, of the English prevailed. They captured every ship of the enemy, and, as no quarter was given, the majority of the crews perished in the ocean. The prizes, amounting to two hundred and forty, arrived safe in England: the number of the killed and drowned was swelled by exaggeration to fifteen thousand men*.

This defeat, so murderous and disgraceful, provoked the resentment of Philip. From the king of England he could only demand redress: from the duke of Aquitaine he could exact it. It was asserted, probably with truth, that the mariners of Bayonne had not only taken a share in the action, but had also attempted to surprise the port of Rochelle; and Edward's lieutenant was required to arrest and lodge in a French prison a certain number of the accused. He neglected the requisition; and to punish his disobedience, the seneschal of Perigord was ordered to take possession of all the lands belonging to Edward, which lay within his jurisdiction. But the civil officers were driven back by the military under the command of Sir John St. John; and, in consequence, a peremptory summons was issued by the royal court of Paris, ordering Edward to appear within twenty days after Christmas, and answer for these offences and contempts against his sovereign†. The king, who saw the real object of Philip, endeavoured to appease his resentment. By his ambassador, the bishop of London, he offered compensation to the sufferers on the part of France, provided equal restitution were made to the English; and, when this was refused,

A. D.
1293.
Apr.
14.

Nov.
29.

* Wals. 60. 479. Heming. i. 40. Trivet, 274. † Rym. ii. 617. 619.

proposed to refer the dispute either to arbitrators to be chosen by the two kings, or to the pope, "whose office it was to preserve concord among princes*." The bishop was succeeded by a more distinguished, and, it was hoped, a more welcome negotiator, Edmund, the brother to the king of England, and husband to the mother of the French queen. But the simplicity of the prince was not a match for the arts of his opponents. Philip's sole object, he was told, was to guard his honour; and a promise was given that, if Gascony were surrendered to him during forty days, it should at the expiration of that period be faithfully restored on the petition of the two queens. A secret treaty to that effect was concluded. It was signed by the consort of Philip: Edward signified his consent; and the French monarch, in the presence of several witnesses, promised to observe it on the word of a king. The citation against Edward was now withdrawn, and Edmund issued the orders, under which legal, and in some instances military, possession was given of Gascony to the officers of its superior lord †.

It must excite surprise that the king of England should so easily have fallen into the snare. But he was actuated by another consideration, the accomplishment of a treaty of marriage between himself and Margaret the sister of Philip. By that treaty the duchy of Guienne had been settled on his issue by the princess and to carry this provision into legal execution, it was necessary that Guienne should be resigned into the hands of its lord, that by a new enfeoffment it might be settled on the king and his heirs by his second marriage. At the expiration of forty days Edmund reminded Philip of his engagement; but was requested to forbear till certain lords of the council should have departed from Paris. Some days after he repeated the demand, and received a positive refusal. Philip

* Walsing. 60. 431.

† Rym. ii. 619—622.

took his seat in his court, rejected the arguments of Edward's advocates, and though the citation had been withdrawn, pronounced judgment against him for default of appearance*.

Such is the account given by Edmund himself; and, that the substance of it is true, appears from the narratives of the French historians, who, while they relate the cession of Guienne, are utterly at a loss to account for its cause. The deception was most dishonourable to the character of Philip, though by the turbulence of the Gascons he was enabled to give to his conduct some appearance of justice. At Bordeaux they had massacred the Normans, some of whom had been domiciled for more than ten years in that city; at Freniac they had enticed the officers of the French customs on board a vessel, and decapitated them on the open deck; and in many of the fortresses they had hanged the serjeants at arms, who had taken possession in the name of the king of France. On these grounds May Philip once more summoned Edward to answer before 19. his peers†: but the king, instead of presenting himself as a culprit at the bar, had, by the advice of a great council, prepared to enforce his right at the head July of a powerful army. He wrote an exculpatory letter 1. to the barons and people of Guienne, acknowledging that he had done wrong to resign them to the king of France without their consent: but protesting that he had been more deceived than they, and assuring them that in a short time he would free them from a yoke which they abhorred. He sent messengers to Paris to renounce in legal form the superiority of Philip. "Sir," said they, "the lord Edward, king of England, lord of Ireland, and duke of Aquitaine, did homage to you according to the peace concluded between your ancestors and his, which peace you have not observed. He made with you a secret treaty

* Rym. ii. 632—636. West. 421. Heming. 42, 43.

† Rym. ii. 634, 635.

“by means of his brother the lord Edmund, which treaty you have not kept. He has thrice demanded the restoration of his duchy of Guienne, which restoration you have refused. It is evident then that you do not treat him as your man; and it is therefore his intention to be so no longer*.” But the elements seemed to have conspired with his own subjects to frustrate his design. For seven weeks he was detained at Portsmouth by contrary winds; and the Welsh, who believed him to have sailed, rose in every part of the principality, surprised and murdered the English, and poured in great numbers into the marches. A large body of troops which had been despatched to quell the insurrection was defeated; and the king, abandoning the expedition to Guienne, hastened to Wales, to revive the spirits of the soldiery. Aided by the inclemency of the season the natives bade defiance to Edward, who, on one occasion, was separated from his army by the sudden rise of the river Conway, and was compelled with his followers to subsist for some days on the coarsest fare. But at the return of spring, resistance melted away before him. Anglesea submitted: the royal banner was planted on the summit of Snowdon; the Welsh in despair burst into the marches; and at Caer-castle, Madoc, the leader of the insurgents, threw himself at the feet of the conqueror. A second time the conquest of Wales was achieved. Edward condemned the chieftains who had joined in the rebellion to close confinement in separate castles: their estates he gave to their heirs, but with a threat, that if they should imitate the perfidy of their fathers, they must expect a more severe punishment. The admonition was remembered; and from that period, says the historian, the Welsh began to attend to the cultivation of the soil, the profits of commerce, and the arts of peace†.

It was midsummer before Edward returned to his

Nov.
10.

A.D.

1295.

* Rym. ii. 644. 650.

† Heming. i. 57. West. 422. Walsing. 63.

capital. Again he prepared to recover his transmarine dominions: again he was recalled to oppose his adversaries within the island. The Scottish barons longed to assert the independence of their country; but, warned by the fate of the Welsh insurgents, sought to fortify their efforts with the aid of the French monarch. The timid mind of Baliol wavered. He calculated the power of Edward, and trembled at the consequences of a failure. At last he allowed himself to be carried away by the current of public opinion, and resigned the management of the war to a committee composed of four prelates, four earls, and four barons. An alliance offensive and defensive was hastily concluded with France. If Edward should invade Scotland, Philip engaged to employ all his forces against the weakest part of Edward's dominions: if he should transport an army to France, Baliol bound himself to pour his Scots into the north of England; and at the same time, to cement the union between the two crowns, a treaty of marriage was concluded between Edward the heir of Baliol, and Jane the eldest daughter of Charles of Valois, and the niece of Philip*. These transactions could not be concealed from the jealousy of Edward. He sent to Guienne a small force under his brother Edmund, who died soon after his arrival, and was succeeded in the command by the earl of Lincoln; but remained himself in England to watch the motions, and ascertain by experiment the real designs, of his Scottish vassal. He first called on Baliol for aid in his intended expedition into Guienne; then demanded the castles of Roxburgh, Jedburgh, and Berwick, as a security during his absence; and lastly cited the king of Scots before his court to be held at Newcastle upon Tyne in the beginning of March. Had Baliol obeyed the summons, he would have found himself in the midst of an army of forty thousand men†: but his

Oct.
23.

A. D.
1296.
Mar.
1.

* Anderson, *Diplom. Scot.* Tab. xli. *Thres. des Chart.* 125,

† Edward, to increase his army, had offered a full pardon to all out-

- barons were careful to keep him secluded in the Highlands, and made the most active preparations for the invasion of England. Accident allotted to the Scots the glory or the blame of commencing hostilities. Robert de Ros, the lord of Werk, who was enamoured of a Scottish lady, had at her persuasion embraced the cause of her countrymen. His brother, who commanded in his absence, sent the information to Edward; and a body of a thousand men, who marched to take possession of the castle, were surprised in the night, and cut off almost to a man. Edward expressed his satisfaction that the Scots had been the first to draw the sword, and advancing to Werk, remained there during
- Mar. the festival of Easter. A feeble attempt was made to
26. withdraw him from the borders by the invasion of Cumberland. But the king steadily pursued his object.
- Mar. The English army invested Berwick: the next day it
30. was carried by assault, and seven thousand men perished in the massacre*. For this loss the Scots consoled themselves with the destruction of Corbridge and Hexham; and Baliol sent to the English monarch a
5. formal renunciation of homage in his own name and that of his barons†. "Felon, fool!" exclaimed Edward, in a tone of contempt and pity, "but since he will not obey our summons, we must go and find him out." The earl Warenne was despatched with a numerous force to besiege the castle of Dunbar, which belonged to the king's adherent, the earl of March, but had been
Apr. betrayed by the countess to her countrymen. The
27. garrison agreed to surrender, if the place were not relieved in three days, and on the third the Scottish army appeared stretching along the chain of hills beyond

laws and malefactors who should join it. (Abbrev. placit. 236. Rot. 1.) It consisted of 30,000 foot, and 4000 horse. The bishop of Durham joined him with 1000 foot and 700 horse: to which must be added a body of Welsh, and another of Irish. Heming. i. 85.

* Heming. 87—92. Walsing. 66. 483. Trivet. 285. 288. About this time Robert Bruce died. His son refused to join his countrymen against Edward; and his lands were in consequence taken from him and given to the earl of Buchan. Heming. 67. 83.

† Rym. ii. 707.

the town. Warenne resolved to give battle; but, whether it were from design, or on account of the nature of the ground, ordered his troops to make a retrograde movement. "They run," exclaimed several voices from the heights; and with a loud shout forty thousand men precipitated themselves into the valley to trample under foot the imaginary fugitives. To their astonishment they met the enemy advancing in a compact mass: consternation spread itself from banner to banner; the pursuers fled; and the English obtained a cheap, and on their part an almost bloodless, victory. Report raised the loss of the Scots to fifteen or twenty thousand men: the most moderate calculation has reduced it to half that number. But Scotland was now subdued: Dunbar, Roxburgh, and Jedburgh opened their gates; Edinburgh made but a show of resistance; Stirling was deserted by its garrison; and Perth, Brechin, Forfar, and St. Andrew's, submitted*. The unfortunate Baliol, mounted on a gallows, and bearing a white wand, the emblem of vassalage, met his conqueror in a churchyard, and expressed his sorrow for his alliance with the French king and rebellion against his liege lord. But he did not move the resolution of the king of England. He had refused to hold Scotland of Edward: he was therefore unworthy to recover it; and was compelled to sign at Kincardin an instrument, in which he acknowledged the right of the superior lord to enter into possession of his fee after the renunciation of homage, and transferred to him the fealty, which the Scottish barons and freeholders had sworn to himself†. The king granted to the deposed monarch every indulgence compatible with his own interests. With a princely retinue, and the tower of London for his residence, he enjoyed the full liberty of a circle of twenty miles round the walls of the city

* Heming. 93—100. Walsing. 67, 484. Fordun, xi. 24. 26.

† Rym. ii. 709.

If we may believe Baliol himself, he parted from his crown without regret. The feuds and violence of the Scots, their dissimulation, perfidy, and attempts upon his life, had effectually subdued his desire of reigning; and his only ambition was to retire to Normandy, and lead a life of privacy on his patrimonial estates. After
 A. D. three years his wishes were gratified. He solemnly de-
 1298. clared that he would never more intermeddle in the affairs
 Apr. of Scotland*: the pontiff became surety for the per-
 1. formance of his promise; and he was delivered to the
 A. D. bishop of Vicenza, the papal legate, with a protestation
 1299. on the part of Edward, that by this delivery Boniface
 July should acquire nothing more than the right of disposing
 18. of the person of Baliol, and of his English estates†.
 A. D. The exile soon ceased to be an object of jealousy: nor
 1305. had his death, which happened six years later, any
 influence on the course of events. By his countrymen
 he has been condemned as a weak and mean-spirited
 prince; to me he appears as deserving of pity as blame.
 His reign had ceased long before his resignation of the
 sceptre; and the sovereign authority was exercised
 by the lords of his council, who used his name merely
 as a sanction to their own measures. With them the
 war originated: by them it was conducted; and they
 were responsible for its result. By Baliol, who foresaw
 the consequences, it was always condemned: but he
 • united his own fate to the fate of the nation, and be-
 came the victim of that confidence which so rashly
 provoked, and of that despondency which so hastily
 abandoned, the contest. Baliol lost his kingdom: of
 the real authors of the war, some immediately, all after
 a short interval, recovered their honours and their
 possessions.

* *Tantum invenit in hominibus ejusdem regni malitiam, fraudem, . . . intentionis sue non est predictum regnum ingredi, seu de ipso regno aut pertinentiis suis per se, vel per alium aut alios intrmittere ullo modo. See the authentic act, apud Prynn, 665. Brady, iii. App. 28.*

† *Rym. ii. 840. 847. Carte by mistake has represented this instrument as an acknowledgment by the pope of Edward's superiority,*

From Perth Edward marched to Aberdeen, from Aberdeen to Elgin; but every sword was sheathed, and every knee was ready to bend to the lord of Scotland. Unable to discover an enemy, he turned to the south*, and summoned a parliament to meet him at Berwick, where all the Scottish barons, prelates, and tenants of the crown in person, all the burghs and commonalties by their representatives, did homage, and swore fealty. He made no innovation in the laws of the kingdom or the nature of the tenures; alienated no property; retained with one or two exceptions the former governors in the custody of the royal castles; and if he compelled the most dangerous of the Scottish barons to reside for a short period on the south of the Trent, he engaged to restore them to their full liberty as soon as he had concluded peace with the king of France. The highest offices of government were vested in Englishmen, under John de Warenne, earl of Surrey, who was distinguished by the title of guardian of the kingdom †.

The repeated insurrections of the Welsh ought to have taught Edward that oaths of fealty, extorted from a conquered people, impose but a feeble restraint on the love of independence. But he relied more on the apprehensions than the conscience of the Scottish chieftains. The rapidity of his conquest had demonstrated the superiority

* It has been said that Edward destroyed all the proofs of Scottish independence which existed in the records of the different monasteries. But lord Hailes candidly owns that he can discover no other proof of the assertion than that the English destroyed some of the charters belonging to the abbey of Seone, and tore the seals from others. They also carried off the Scottish regalia, and the fatal stone seat on which the Scottish kings sat at their coronation, and of which it was believed that

Scoti, quocumque locatum

Invenient lapidem, regnare tenentur ibidem.

It was placed in Westminster Abbey. Heming. 37. Ford. xi. 25.

† Rym. ii. 723. 727. 731. Heming. 103. 118. Ford. xi. 37. Boniface VIII. seems not to have approved of this conquest. In a letter to the king he exhorts him not to listen to the suggestions of men whose interest it is to involve him in war; and adds, that though he now possesses Scotland unjustly, it is his (the pope's) endeavour, as he has already informed him, to obtain it for him justly, without the diminution of his fame, or danger to his salvation. Rym. ii. 804. The meaning of this enigma I cannot unravel.

of his power, and he rightly judged that the penalties of treason would confine to his duty every man whose family was in possession of property and honours. Indeed, at this period, Scotland owed little to the exertions of her nobles. It was an obscure individual, the youngest son of a country gentleman, who kindled and nourished the flame of Scottish patriotism. Historians conjecture that William Wallace was born in the neighbourhood of Paisley: they assert that his hostility to the English originated more in the necessity of self-preservation than the love of his country. He had committed murder; he fled from the pursuit of justice to the woods; and there was joined by men of similar fortunes, who sought to escape the punishment of their crimes, or had refused to swear fealty to the conqueror. At first they supported themselves by nocturnal depredations: success added to their courage, and multiplied their numbers; and a fortunate rencontre, in which William Heslop, the sheriff of Lanarkshire, was slain, gave celebrity to the name of Wallace. There was another leader of outlaws, sir William Douglas, who had been made prisoner at Berwick, and had received both liberty, and a grant of his property from the generosity of Edward. He joined with Wallace in an attempt to surprise at Scone the chief justiciary Ormesby, who lost his treasures, but saved himself by the precipitancy of his flight*. Animated by their example, or prompted by similar causes, other independent chieftains arose in different counties, who assaulted the English and the partisans of the English, wherever it could be done with the hope of impunity, massacred all who fell into their hands, and compelled their own countrymen to fight under their own standards. The origin and progress of these numerous parties had been viewed with secret satisfaction by the steward

May.

* Fordun, xi. 28. Walsing. 70. Erat quidam latro publicus, Willelmus Waleys nomine, qui multis temporibus exulaverat factus est quasi princeps eorum. Huic Willelmus Douglas latro latroni sociatur. Heming. 118, 119.

of Scotland, and Wisheart the bishop of Glasgow, who determined to collect them into one body, and give to their efforts one common direction. Declaring themselves the asserters of Scottish independence, they invited the different leaders to rally round them : and the summons was obeyed by Wallace and Douglas, by sir Alexander Lindsay, sir Andrew Moray, and sir Richard Lundy. The younger Bruce, earl of Carrick, was solicited to support their cause. He knew not how to decide. Whichever party succeeded, he might gain or lose a crown. At first he repaired to Carlisle, renewed his fealty to Edward, and ravaged the lands of sir William Douglas : then he changed his sentiments ; tempted in vain the fidelity of the men of Annandale ; and hastened with his own retainers to the camp of the patriots*.

Edward had now undertaken the recovery of Guienne : nor could he be diverted from his object by the danger of losing Scotland. He cherished the hope that his deputy might be able to put down the insurgents : he was convinced that at his return he could easily reconquer whatever should have been lost. The guardian and treasurer were on their road to confer with the king, when they received orders to collect the forces of the six northern counties of England, and to re-establish the royal authority in Scotland. Two armies were formed, one on the eastern, the other on the western coast. The latter under Henry lord Percy, and sir Robert Clifford, discovered the Scots near Irvine, on the right bank of the river. But the ardour of the patriots had been chilled by the dissensions of their chieftains ; and sir Richard Lundy abandoned a cause, which he observed could never prosper so long as it was at variance with itself. His defection opened the most gloomy prospects to the other leaders : Bruce, the steward, the bishop, Lindsay, July 9.

* Knight. 2513, 2514. Walsing. 70. Cum episcopo Glasguensi, et senescallo Scotiæ qui *totius mali fabricatores* extiterunt, confederatus est. Heming. 119.

and Douglas, hastened to capitulate for the safety of their lives, limbs, and estates; and signed a paper, in which they acknowledged their guilt, promised satisfaction, and undertook to use their influence in pacifying the country. Wallace and Moray, who had nothing to lose, were not included in the capitulation: and this circumstance increased their popularity with the common soldiers, who disapproved of the pusillanimity of their chiefs. They were followed by the greater part of the army in their retreat beyond the Frith: and many noblemen, who affected an outward show of loyalty, secretly encouraged their tenantry to join the insurgents*.

The king had already sailed to the continent, and Warenne, with a numerous army, had reached the town of Stirling. Wisheart and Douglas, unable to perform their engagements, voluntarily surrendered to the English; but the steward, with the earl of Lennox, amused the guardian with a pretended negotiation, till Wallace and Moray had assembled all their forces behind the hills in the neighbourhood of Cambuskenneth. They then brought an answer that the insurgents would not admit of any terms short of the national independence, and promised to join the royal army on the next morning, with a retinue of forty knights. That morning
 Sept. 10. Warenne, in opposition to the advice of Lundy, ordered the English to cross the Forth by the bridge, which was so narrow that no more than two armed men could march over it at the same time. Wallace at a distance watched their movements; and as soon as he saw about five thousand horse and foot on the left bank of the river, ordered his followers to pour down from the heights, and annihilate their enemies. Warenne, unable to send assistance, was compelled to remain on the right bank, the idle spectator of the massacre of his men. All who had crossed, with very few exceptions, fell by the sword, or

* Rym. ii. 774. Nycht. 2515, 2516. Walsing. 70. Heming. 122—124. Trivet, 300.

perished in the river. Among the slain was the treasurer Cressingham; and the Scots, to show their hatred for the man, flayed his dead body, and made the skin into thongs for their horses. This unexpected disaster broke all the plans of the guardian. The western army had already been disbanded: the natives in his rear were rising to intercept his retreat; and his only resource was to burn the bridge, reinforce the garrisons of the different castles, and withdraw as speedily as possible into England. Wallace and Moray now styled themselves Nov. "the generals," and their followers "the army of John 7. "king of Scotland:" they crossed the borders with multitudes who joined them in the pursuit of plunder; and during a month the open country in Northumberland and Cumberland was ravaged by a licentious and revengeful soldiery*.

From this period we lose sight of Moray. His associate Wallace appears alone on the scene, as "the guardian of the kingdom, and general of the armies of "Scotland †," under which title he summoned a parliament to meet at Perth. But this adventurer had now reached the meridian of his greatness; and his fall was A. D. 1298. even more rapid than his rise. As long as the attention of the king was directed to the recovery of his transmarine dominions Wallace had triumphed: but the efforts of Boniface VIII. to restore peace between England and France had at last been crowned with success; and by the industry of his legates, who had spent two years in journeys and conferences, Edward and Philip had been induced to sign a preliminary treaty. Both kings consented to refer their differences to the equity of Boniface, not as pontiff, but as a private judge, selected by the parties ‡; and he, after some delay, pub-

* Fordun, xi. 29. 126—136. Knyght 2516—2522. Wal. 73.

† Anderson, Diplom. Scot. Tab. xlv.

‡ Boniface ordered a truce of his own authority, and excommunicated any prince who might refuse it. Philip, when he accepted the truce, observed to the legates, that the temporal government of his kingdom belonged to him, and to no other; in that respect he had no superior;

- lished his award, confirming the armistice; proposing marriages between Edward, who was now a widower and Margaret the sister, and between Edward's son and
- June 27. Isabella the daughter, of Philip; and taking into his own hands all the possessions which the king of England held in France, now or before the war, to be disposed of by himself in virtue of his power of arbitrator, unless the two kings should previously come to a satisfactory agreement*. But Edward did not wait for the papal decision: as soon as he was freed from all danger on the part of the French monarch, he sent orders to Warenne, who lay with a powerful army at Berwick, to wait his arrival, eluded, under different pretexts, the demands of Philip,
- Mar. 14. that Scotland should be included in the treaty, landed
- May 25. at Sandwich, met his parliament at York, and repaired to Roxburgh, where he found himself at the head of
- June 25. eight thousand horse, and eighty thousand foot, principally Irish and Welsh. From Roxburgh he penetrated to the Forth: no enemy appeared to dispute his progress; but the want of provisions, and the ravages of disease, compelled him to make a retrograde movement; and he had almost reached Edinburgh, when a few ships laden with supplies anchored in the Frith. At Templeliston he refreshed his army, and received information that Wallace with his Scots lay in the forest of Falkirk, watching an opportunity to harass his retreat. The English were immediately in motion, and retraced their steps to the moor of Linlithgow, where they passed the night on the bare heath, and the next morning discovered the enemy in battle array behind a morass†. Wallace had
- July 22. formed his pikemen, the flower of his army, into four circular bodies, connected with each other by a line of

and that he would never submit to any man who should pretend to interfere in the civil administration. *Thres. des Chart.* 16.

* *Rym.* ii. 669. 682. 685. 707. 734. 754. 791. 795. 809. 812. 817. 819.

† Hemingford, 163, and Walsingham, 75, inform us that before the battle the king had two ribs broken by a kick from his horse: *Knyghton*. that he spurred his horse with such violence as to break two of the horse's ribs! 2527.

archers from the forest of Selkirk. Before them he had planted a defence of palisades, behind them, probably to prevent their retreat, he had stationed the Scottish cavalry: and having thus imposed on the most reluctant the necessity of fighting, triumphantly exclaimed, "I haif brocht you to the king, hop gif ye can*." The first division of the English, commanded by the earl mareschal, from its ignorance of the ground, was entangled in the morass: the second, led by the bishop of Durham, wheeled round the swamp, and came in sight of the cavalry, when the prelate ordered his men to wait the arrival of the other bodies. "To thy mass, bishop," exclaimed a knight, and rushed on the enemy. They fled at the first charge: the bowmen were trampled under foot: but the four bodies of pikemen opposed on all sides an impenetrable front to their assailants. Their resistance, however, only delayed their fate. Edward advanced his archers and military engines: an opening was soon made in each circle; and the cavalry rushing through the chasm, completed their destruction. From twenty to forty thousand Scots are said to have perished. Wallace himself escaped. But his sun had now set for ever; he hastened to resign his office of guardian, and spent the rest of his life a wanderer in the forests, from which he had formerly issued for the chastisement of the English, and the liberation of his country †.

The poverty of Scotland was its protection. After his Sep. victory Edward traversed it in different directions; but 15. the impossibility of procuring provisions for his army compelled him to return to England: and the only advantage which he derived from the campaign, was the opportunity it had offered him of relieving and provisioning the castles in Lothian. All Scotland north of the A. D. two friths, together with Galloway, was independent; 1299.

* So it is in Walsingham, 75. But Langtoft (305). (and Westminster agrees with him) has, "to the renge (ring) are ye brocht, hop now, if ye will."

† Fordun, xi. 34. Heming. 59—165. Wal. 75.

and William Lamberton, bishop of St. Andrew's, Robert Bruce, earl of Carrick, and John Comyn the younger, were appointed a council of regency to govern in the name of Baliol, who was still acknowledged as lawful king. They undertook the siege of Stirling; nor was Edward at leisure to succour that important fortress. His parliament had approved the papal award; and as the envoys of the three powers were to meet at Montreuil, he was advised to remain in the south, that he might be near the place of negotiation. The summer months passed away: his marriage with Margaret, the French princess, detained him several weeks*; and when he joined the army at Berwick, he was compelled to yield to the remonstrances of his barons, who refused to expose themselves to the dangers of a winter campaign. He had already rejected the proposal of a truce, and thus lost by his obstinacy the strong castle of Stirling†.

Under the short government of Wallace the Scots had solicited the protection of the pontiff; who, in a letter to Edward, after describing the attention which the holy see had always paid to his interests, earnestly exhorted him to live at peace with his neighbours, and to listen no longer to the suggestions of his ambition‡. To a request conveyed in such general terms it was easy to return an evasive answer; but the new regents despatched envoys to Rome who more powerfully interested Boniface in their favour. They referred their quarrel with the king of England to his decision, because he was the only judge whose jurisdiction extended over both kingdoms: they reminded him that by remaining indifferent, he would suffer Edward to annex to his own throne a realm, which of right belonged to the see of Rome§: and they

* They were married at Canterbury on the 12th of September. The queen's dower was a yearly rent of 15,000 pounds Tournois (about 3750*l.* sterling). As the young prince was only thirteen, and Isabella only seven years of age, their marriage was contracted in private by proxy. Her dower amounted to 13,000 pounds Tournois (3250*l.* sterling). Rym. ii. 819. Wals. 77. West. 432.

† Rym. ii. 841. 847. 859. Knight. 2528.

‡ Ibid. 827.

§ This pretension, that Scotland belonged to the see of Rome, is attri-

exhibited to him a long series of proofs that the kings of England had not, nor ought to have, any superiority over the kings of Scotland. These representations induced the pontiff to interfere ; and a letter was written to Edward almost in the very words of the Scottish memorial. Boniface began by asserting, what he pretended the king must know, that Scotland had belonged from ancient times, and did still belong, in full right to the Roman see. He then proved that it was not a fief of the English crown, from the following instances: 1. When Henry III. in his war with the earl of Leicester received assistance from the king of Scotland, he acknowledged by his letters patent that it was as a favour, and not as a feudal service: 2. When Alexander III. did homage to Edward for Tynedale and Penrith, he protested that he did not do it, nor did he owe it, for the crown of Scotland: 3. At the death of that prince, neither the wardship of his daughter Margaret, nor the custody of the kingdom was claimed by Edward: and, 4. In the treaty of marriage between the prince of England and Margaret it was declared, that the kingdom of Scotland should remain for ever free and independent, and in the case of her death be restored in that state to the next heir.

A. D.
1299.
June
27.

puted by our historians to the ambition of Boniface. He is said to have forged a false title to attribute the superiority to himself. But it is certainly more ancient than Boniface. Not only was it strenuously maintained by the Scottish agents at Rome (*Regnum Scotiæ præcipuum et peculiare allodium ecclesiæ Romanæ—in temporalibus immediate subditum ecclesiæ Romanæ. Fordun, xi. 51. 54. 56, 57*): but the regents in their instructions to their envoy declare that it was objected to Edward, when he first advanced his claim to the superiority. (*Licet Romana ecclesia tunc pro parte ipsius regni fuisset nominata domina regni ejusdem coram ipso, sicut erat, ipse tamen rex allegationem hujusmodi non admisit. Ford. xi. 53.*) Certain it is that Nicholas IV., when Edward desired him in 1290 to confirm the claim of the English crown, replied that he could not do it, because it would be to deprive the Roman see of a superiority which belonged to it. *Se non posse in regno Scotiæ sedi Apostolicæ obnoxio ecclesiæ Romanæ derogare, ejusque fiduciarios regi Anglo submittere. Spond. ad ann. 1290 ex regist. Vatic. ep. 102.* The origin of this pretension I cannot discover: but I suspect that it was first advanced by the Scots during their long controversy with the archbishop of York respecting the independence of their church, which terminated in a decision, that the Scottish prelates were immediately subject to no one but the pope.

Hence the pontiff expressed his hope that the king, desisting from an unjust aggression, would set at liberty the bishops, clergy, and natives of Scotland, whom he held in captivity: and, if he thought he had any right to the whole or part of that kingdom, would pursue his claim to it within the six months following before the holy see. He concluded in a strain of authority, by revoking and reserving to his own decision every process or controversy, which might be then pending between the king of England and the king or people of Scotland*. This extraordinary document was enclosed in a letter to Winchelsea, archbishop of Canterbury, ordering him, under the penalty of suspension, to present it to Edward. By some unaccountable delay twelve months elapsed before it was delivered to the primate, who immediately repaired to Carlisle. But the king had already reached Kircudbright; and the intermediate country was in the possession of the Scots. For six weeks the archbishop lingered on the borders, afraid to proceed, yet distressed through want of provisions: at length he heard that the army was on its return, and crossing the sands, found Edward encamped in the neighbourhood of Caerlaverock. He delivered the letter, which was publicly read in Latin and French to all the barons in the king's presence. It came at a most critical moment. The peace with France was not yet concluded; and Gascony was still sequestered in the hands of the pontiff. Unwilling to offend one, whose friendship was so necessary to him, he took time to deliberate, and then replied, that in a matter which concerned the right of his crown it was his duty to consult his other counsellors: that in a short time he would assemble his parliament, and with its advice would return a satisfactory answer to the pontiff. The archbishop returned: he was followed by Edward; and at the request of the king of France an armistice was granted to the Scots†.

A. D.
1300.
Aug.
26.

* Rym. ii. 844—846.

† West. 435. 437—439. Lord Hailes says, that Rymer has dated the

To answer the letter of Boniface a parliament was summoned to meet at Lincoln. The universities were ordered to depute four or five civilians; the monasteries to furnish every document in their possession, which could bear upon the question. After some debate a reply was framed, which was signed and sealed by one hundred and four earls and barons, in the name of the commonalty of England; and which deserves to be transcribed, as it shows how accurately our ancestors could distinguish between the spiritual and temporal authority of the pontiff. After expressing their astonishment at the tenor of the papal rescript, and asserting that Scotland never belonged in temporals to the see of Rome, they thus notice the authority which the pope had arrogated to himself, of deciding the controversy by judicial process:—"By a custom, at all times inviolably observed, a privilege arising from the pre-eminence of the regal dignity, the kings of England have never pleaded, or been bound to plead, respecting their rights in the kingdom of Scotland, or any other their temporal rights, before any judge ecclesiastical or secular. It is, therefore, and by the grace of God shall always be, our common and unanimous resolve, that with respect to the rights of his kingdom of Scotland or other his temporal rights, our aforesaid lord the king shall not plead before you, nor submit in any manner to your judgment, nor suffer his right to be brought into question by any inquiry, nor send agents or procurators for that purpose to your court. For such proceedings would be to the manifest disherison of the rights of the crown of England and the royal dignity, the evident subversion of the state of the kingdom, and the

Sept.
27.

A.D.
1301.
Feb.
12.

bull erroneously in 1299 (*Annals*, 367). But it bears the same date, anno quinto, in Hemingford, Westminster, and Fordun. From the archbishop's reply to the pope, it appears that he was twenty days on his journey to Carlisle, remained on the borders six weeks, and reached the king Aug. 26. Of course he must have received the bull before the 27th of June; and, as that is the day of the month on which it was dated, it must have been written the year before.

“ prejudice of the liberties, customs, and laws, which we
 “ have inherited from our fathers, to the observance and
 “ defence of which we are bound by our oaths, and
 “ which we will maintain to the best of our power, and
 “ by the assistance of God will defend with all our
 “ might. Neither do we, nor will we, permit, as we
 “ neither can nor ought, our aforesaid lord the king to
 “ do, or attempt to do, even if he wished it, any of the
 “ things aforesaid, things which were never heard of or
 “ claimed before, and which are so prejudicial to this
 “ realm *.”

May Though Edward refused to acknowledge the pope as

7. a judge, he was willing to explain his right to him as a friend. A long letter was written, and the superiority of his predecessors was accurately traced back to the remote age of Heli and Samuel. It was then that Brute the Trojan, having cleared the island of the giants its indigenous inhabitants, divided it between his three sons Locrine, Albanact, and Camber, but on the condition that the younger should hold their portions in fee of the eldest brother. Locrine the eldest established himself at Trinovant, since called London, and the pre-eminence which he enjoyed was claimed and exercised by all his successors, particularly the renowned monarchs, Dunwall, Beline, and Arthur. From the fictions of romance he passed at length to real history, enumerated every instance, which he could collect, of homage done by the kings of Scotland to the Saxon and Norman princes; and contended, in a tone of triumph, that these formed a satisfactory justification of his conduct, a complete refutation of the false suggestions of his opponents †.

July. The answers of the king and the parliament were delivered by the pope to Baldred Basset the Scottish envoy, and by him transmitted to the council of regency. The instructions which he received in return, and the memorial which he presented to Boniface, are

* Rym. ii. 873—875. New Rym. 923. 4. 6.

† Rym. ii. 883—888.

still extant. He opposes fiction to fiction, and history to history. The Scots, he says, care not for Brute or his institutions. They are sprung from Scota, the daughter of Pharaoh, who landed in Ireland, and whose descendants wrested by force of arms the northern half of Britain from the progeny of Brute. To the Britons, therefore, they owe no subjection. Nor is it of any consequence, if some of the Saxon princes occasionally penetrated into Scotland. Edward cannot claim from the Saxons. He is descended from the Normans, and no king of Scotland ever did homage to the Norman kings, with the exception of William the Lion, for any thing but lands situated in England, as is evident from the instances which were inserted before in the papal letter, and from the refusal of Innocent IV. to grant to Henry III. the tenths of Scotland, or to allow his interference in the coronation of the king of Scots. In opposition to the answer of the parliament, he observes that, if Edward declines the judgment of the pontiff, it is because he is conscious of the weakness of his claim: but that he is not to be witness and judge in the same cause: that the two realms are equal and independent: and that in all controversies between them they must have recourse to a higher tribunal, that is, to the church of Rome. He adds, that notwithstanding the contrary assertion of the English, it is notorious that Scotland is the property, the peculiar allodium of the holy see: that its inhabitants from the time of their conversion have always acknowledged the direct dominion of their country in temporals as well as spirituals, to be vested in the Roman church: and that this superiority was confirmed to it by Constantine the Great, when he made to the chair of St. Peter a donation of all the isles in the western ocean: on which account he trusts that the pope will extend his powerful protection to his faithful and devoted vassals the natives of Scotland*.

* Fordun, xi. 46—63.

But the time was gone by when Boniface, if he had possessed the will, could have dared to fight the battles, of these vassals. A long succession of petty and mutual injuries had embittered the minds of the pontiff and the king of France; till their dissension gradually ripened into open hostility. Boniface excommunicated his opponent, and threatened to pronounce the sentence of deposition: and Philip appealed to a future council, accused the pontiff of heresy, and by the activity of his partisans, actually detained him a captive for the space of three days. During the progress of this quarrel each was anxious to obtain and preserve the friendship of Edward. The pope no longer maintained the cause of the Scots: Philip, whose promises had induced them to defy the king of England, was satisfied with obtaining for them a few short and useless suspensions of arms. Edward improved the opportunity to urge the conclu-

A. D. sion of peace between England and France. He reco-
 1303. vered Guienne; the earl of Lincoln swore fealty for it
 May in his name; the prince of Wales was contracted in
 20. marriage to Isabella the daughter of Philip; and a treaty
 June of commerce sealed the amity between the two nations.

11. The Scottish envoys expressed their surprise that no stipulation had been introduced in favour of Scotland: but their complaints were silenced by the promise that, in the approaching interview between the kings, Philip himself would undertake their cause, and elicit from the generosity of their enemy more advantageous conditions than he could have obtained from ambassadors bound by written instructions. It is useless to say that the promise was not fulfilled*.

Before spring an English army under John de Se-grave had received orders to march from Berwick to Edinburgh. In a country which had long been kept in subjection by English garrisons, that general had no expectation of meeting an enemy; and the first division

* Rym. ii. 923. 929. New Rym. 955.

of his army was surprised near Roslin by a superior force under John Comyn and Simon Fraser. Had Se-grave fallen back on the rest of his troops, he might have evaded the danger : but he scorned to flee, and rushing on the enemy, was wounded, and made prisoner, with twenty other knights. The Scots pursuing their success, fell on the second division, which only escaped destruction by the arrival of the third. The battle was now renewed, and the English, having recovered the person of their general, retired *. The victory was of course claimed by the Scots : its importance was magnified by national partiality ; and a fallacious gleam of hope enlivened the cause of freedom. But Edward soon passed the borders at the head of an army, with which it would have been folly for the Scottish patriots to contend †. They cherished, however, a hope that its progress might be arrested on the banks of the Forth, and encamped on the spot, which had been consecrated in their eyes by the first victory of Wallace. But the king marched past the bridge which had proved so fatal to Cressingham, and crossed by a ford at the distance of a few miles. As soon as he appeared on the left bank, the host of his opponents disappeared ; every town was filled with loyal inhabitants anxious to greet the arrival of their sovereign ; and the small castle of Brechin was the first place, the gates of which he found shut against him. On the twentieth day of the siege, Mauld the governor was slain by a stone from one of the engines ; and the garrison solicited the clemency of the conqueror. Edward recommenced his progress : he advanced through Aberdeen and Banff into Caithness, and on his return fixed his residence for the winter in the great abbey of Dunfermlin ‡. To this place the Scots hastened to make their

May
30.Aug.
9.Aug.
14.Nov.
6.

* Heming. 197. Wals. 87. Ford. xii. 2.

† Out of his special grace the king allowed such of his military tenants, as were clergymen, widows, or infirm, to remain at home, on the payment of a fine of 20*l.* for every knight's fee. Rym. ii. 923.

‡ West. 446. Ford. xii. 3. Dunfermlin was a place of considerable strength and importance. Besides the church and convent, it contained

A. D. 1304. peace: and after some consultation a very comprehensive treaty was concluded between him and Comyn, the Scottish guardian. It was agreed that all prisoners and hostages on both sides should be restored: that Comyn and his adherents should have their lives, limbs, liberty and estates, subject however to certain fines, to be determined in the next parliament: that for the tranquillity of the realm Fraser and Boys should, unless they obtained a pardon, banish themselves during three years to some foreign country, but not to France; the bishop of Glasgow, James lord Stewart, and John Soulis, should reside for two years south of the river Trent; Graham and Lindsay should retire into England for six months, and Wallace, if he pleased, should submit to the will and favour of his sovereign lord the king. The rest accepted these conditions: Wallace preferred the life of an outlaw, his original profession; and endeavoured to elude the vigilance of his enemies among his native forests and mountains*.

The only place which still bade defiance to Edward was the strong castle of Stirling. Last year he had wisely neglected it, that he might have leisure to reduce the rest of the kingdom: now he required the governor, sir William Oliphant, to surrender it instantly into his hands. That officer requested permission to consult sir John Soulis, formerly regent of Scotland, from whom May. he had received it in charge. Edward spurned the proposal; a council of English and Scottish barons was assembled; and a sentence of outlawry was published against the governor and his garrison. But it required no ordinary exertions to reduce a fortress, raised on a lofty rock, and defended by men of approved valour. The royal engines could make no impression on the

many large buildings for the accommodation of the Scottish parliament. During the war these had frequently offered an asylum to the marauding parties of the patriots, and were now destroyed by the English. The habitations of the monks were spared. West. *ibid.*

* Ryl. Plac. Par. 369. Rot. Parl. i. 212, 213.

outward defences: if the habitations within the walls were beaten down by the weight and multitude of the stones thrown upon them*, the garrison found shelter in caverns hewn out of the rock: and for ninety days^{A. D. 1305} Oliphant foiled every attempt of the enemy, and, which was more difficult, resisted every solicitation of his friends. During the siege the courage or temerity of Edward exposed him to the most imminent danger. He received an arrow in his vest; his charger was struck down with a stone; but to the friendly expostulations of his knights he replied, that he fought in a just war, and his life was under the protection of heaven. At last the courage or means of the garrison were exhausted: for three days they abstained from measures of hostility; and frequent conferences were held at the foot of the walls between Oliphant and some English barons. The next morning the gates opened; and the governor and twenty-five of his companions were seen moving in slow procession down the hill, barefoot, in their shirts, with their hair dishevelled, and halters^{July 24.} round their necks. When Edward met them, they fell on their knees, and with uplifted hands implored his favour. "I have no favour for you," he replied; "you must surrender at pleasure." They assented. "Then," said he, "my pleasure is, that you be hanged as traitors. Accept of this or return to the castle." "Sir," answered Oliphant, "we acknowledge our guilt: our lives are at your disposal." "And what say you?" rejoined the king, addressing the others. "We are all guilty," they exclaimed: "we all throw ourselves on your mercy." The king turned aside to wipe the tears from his eyes, and ordered them to be conducted as prisoners, but not in chains, into England†.

The surrender of Stirling completed the reduction of Scotland. The king disbanded his army; ordered the

* The stones thrown into the town weighed from 2 to 3 cwt. Heming, 205.

† West. 448—450. Rym. ii. 950, 952. Heming. i. 205, 206.

courts of exchequer and king's bench, which had continued during seven years at York, to resume their former station at Westminster; and applied to the reformation of the abuses which had crept into the government of his native dominions. The only man whose patriotism and enmity could have given him a moment's uneasiness was Wallace; and Wallace, whilst Edward was still in Scotland, had been brought a captive to London. His retreat, so his contemporaries believed, had been betrayed by one of his followers, whose brother he had killed. He was surprised in his bed by sir John Monteith, the governor of Dunbarton; was placed at the bar in Westminster-hall with a crown of laurel on his head; and was arraigned for the crimes of treason, murder, and robbery. The other charges he admitted: to that of treason he pleaded not guilty, because he had never sworn fealty to the king of England. He was condemned, and suffered the usual punishment of traitors*.

Aug.
23.

It may perhaps offend the national partiality of some among my readers, but I greatly suspect that Wallace owes his celebrity as much to his execution as to his exploits. Of all the Scottish chieftains, who had hitherto deserved and experienced the enmity of Edward, he alone perished on the gallows: and on this account his fate called forth and monopolised the sympathy of his countrymen †. They revered him as the proto-martyr of

* Per nobiliores regni Angliæ West. 451. Triv. 340. Stow, 209.

† The cause of Wallace must not be confounded with that of the Scotsmen, who were executed in 1306. He was the only man who suffered death on account of the first war of independence. They suffered at a later period on account of their subsequent rebellion. Wallace never acknowledged the claim or authority of the English king; never accepted his offer; never swore fealty to him; and therefore, as he pleaded in Westminster-hall, could not be considered a traitor. They on the contrary had acknowledged him and his authority; had accepted his offers; had sworn fealty to him; had, some at least, received favours from him; and then had broken their oaths and engagements, and taken up arms against him. However patriotic may have been their motives, *they* were most certainly, according to the jurisprudence of the age, traitors. They knew the fate to which they were doomed by law, and staked their lives on the result. The king after the murder of Comyn, and the insurrection which followed.

their independence : his blood animated them to vengeance : the huts and glens, the forests and mountains, which he had frequented, became consecrated in their eyes : and as the remembrance of his real exploits gradually faded, the aid of fiction was employed to embellish and eternise the character of the hero. If we may believe the Scottish writers, who lived a century or two after his death, he was gigantic in stature, powerful of limb, and patient of fatigue beyond his contemporaries. He knew no passion but the love of his country. His soul was superior to bribery or insult : and at the call of liberty he was as ready to serve in the ranks as to assume the command of the army. His courage possessed a talismanic power, which led his followers to attempt and execute the most hazardous enterprises ; and which on Stainmoor compelled the king and army of England to flee from his presence, even before they entered upon action. Under so brave and accomplished a leader Scotland might have been saved : she was lost through the jealousy of her nobles, who chose to crouch in chains to a foreign despot, rather than owe their deliverance to a man of inferior family. Of all this a part may perhaps be true ; but it is derived from no credible authority : much must be false, because it is contradicted by real history. The only great battles in which Wallace is *known* to have fought, are those of Stirling and Falkirk. In the first he was victorious : but he must share the glory of the action with sir Andrew Moray, who was certainly his equal in command, perhaps his superior*. In the second he was defeated ; and the defeat was the most disastrous that

could not be expected to treat such enemies with that lenity which they had experienced before.

* Fordun tells us that sir Andrew Moray fell in the action (Ford. xi. 29). If so, he was succeeded immediately in the command by a son of the same name. For in the two letters of protection granted on the 7th of Nov. to the convent of Hexham, Andrew Moray is joined with Wallace, and in both his name occurs the first, Andreas de Moravia et Willelmus Wallensis duces exercitus Scotia. Heming. 135. Knyght. 2521.

Scotland ever experienced. In the history of the next five years his name is scarcely mentioned: but when the rest of his countrymen made their peace with Edward his interests were not forgotten. "It was granted that he "also might put himself on the pleasure and grace of "the king, if he thought proper*." Had he done so, he would probably have fared as well as his associates: but he rejected the proffered boon: instead of putting himself on the royal pleasure, he made proposals which were deemed both extravagant and offensive; and it is to this part of his conduct, whether it proceeded from patriotism or obstinacy, that we are to attribute his subsequent fate. He had been summoned to a parliament of both nations held at St. Andrew's; and, as he neglected to appear, sentence of outlawry according to the Scottish law was pronounced against him, with Andrew Fraser, and the garrison of Stirling†. Edward was not, however, as he has been represented, a blood-thirsty tyrant‡. He still accepted the submission of Fraser; he contented himself with the captivity of Oliphant and his companions, though they had uselessly involved him in so much danger, and entailed on him so much expense. If the fate of Wallace was different from that

* Et quant a monsieur Guilliam de Galeys est accorde, q'il se mette en la volunte, et en la grace nostre seigneur le Roy, si lui semble que bon soit. Ryley, 370. Lord Hailes thinks it doubtful, whether the words, *si lui semble*, refer to Wallace or the king. But they evidently refer to Wallace, in the same manner as *si leur semble que bon soit*, refers to the bishop of Glasgow, the Stewart, &c., in the offer made to those leaders. Rot. Par. i. 213.

† Quorum petente rege iudicium secundum juris processum et leges Scotticanas, omnes qui convenerant, concordii sententia pronuntiarunt exlegatos. Trivet, 338.

‡ The only cruelties with which he is charged are the massacre at Berwick, and his treatment of the prisoners made at Dunbar. But it should be remembered that Berwick was taken by assault; and that the revenge of the conquerors had been probably excited by previous provocation, perhaps by the horrid barbarities perpetrated a few days before by the Scots in Cumberland (Heming. 87. Rym. ii. 887); perhaps by the conduct of the citizens of Berwick themselves, who though their town had been given up to Edward some months before (Rym. ii. 692), had, we know not how, been freed from the English garrison, and taken up arms against the king.—With respect to the prisoners at Dunbar, the story rests on the doubtful authority of Fordun, xi. 24, whose ambiguous language has been improved by the prejudices of later writers. See lord Hailes, i. 348.

of the others, it proves that there was something peculiar in his case, which rendered him less deserving of mercy.

To settle the government of his late acquisition, Mar. Edward condescended to ask and follow the advice of 26. three Scotsmen, Robert Bruce, the successor of Bruce, the competitor for the crown, and Wisheart, bishop of Glasgow, and John Moubray, both of whom had distinguished themselves by their previous attachment to the cause of independence. At their suggestion he summoned a Scottish parliament at Perth, in which ten commissioners were chosen to confer with the king in person at London *. To them were joined ten Englishmen with several of the judges, and all took an oath to give the best advice in their power, without suffering themselves to be swayed by any consideration of friendship, enmity, or interest. The result of their deliberations was: that John de Bretagne, Edward's nephew, May 28. should be appointed guardian of the realm, with the aid of the present chamberlain and chancellor, both Englishmen: that for the better administration of justice Scotland should be divided into four districts, Lothian, Galloway, the country between the Forth and the mountains, and the Highlands, to each of which two justices, the one a native, the other an Englishman, were assigned: that certain persons then named should be sheriffs and escheators in the different counties, removable for others at the will of the guardian and chamberlain, excepting in shires in which these offices were held by inheritance: that the castles of Roxburgh and Jedburgh should be put into the hands of the guardian: that the present governors should remain in those of Edinburgh, Linlithgow, Stirling, and Dunbarton; and that Bruce should intrust the castle of Kildrummy Sept. 23.

* Ryley, 243. The deputies were chosen from each order, two bishops, two abbots, two earls, two barons, and two commoners, one from the south, the other from the north of the Forth. See also *Id.* 503. Their wages were to be paid to them by the commonalty of the realm. *Parl. Writs*, i. 155, 156.

to a person for whose fidelity he should be responsible. With respect to the laws, it was determined, that the custom of the Scots and Brets should be forthwith abolished*: that the statutes of David king of Scots, with the additions and amendments of other kings, should be read in an assembly of the good people of Scotland: and that such laws and customs as were plainly against the laws of God and reason should be amended immediately: but that, if any points of difficulty arose, deputies should be chosen to consult the king, and empowered to assent in the name of the commonalty to his decision†. This settlement was followed

Oct.
15. by an act of conditional indemnity. All who had engaged in the rebellion and afterwards submitted, were secured as to life and limb, and freed from imprisonment and disherison, on condition that they paid the following fines: the clergy one year's rent of their estates: those who submitted before Comyn, two years': Comyn, Gordon, and the bishop of Glasgow, three years': William de Baliol, Simon Fraser, and John Wisheart, four years': and Ingelram de Umfraville, five years' rent. For this purpose they were to be put in immediate possession of their lands; a moiety of the rent of which was to be allotted to them for their support; the other moiety to be paid to the king till the fines were discharged. At the same time the order of temporary banishment against Comyn, Graham, and the bishop of Glasgow was recalled‡. If it be con-

* *Ordenee est, que l'usage de Scot et de Bret desorendroit soit defendu, si que mes ne soit user.* Ryley, 506. This was, probably, some old and national custom, which, like the taniistry of the Irish, was incompatible with the principles of the feudal jurisprudence. By the Brets I understand the men of Galloway, the descendants of the Picts, the ancient inhabitants of Britain.

† Ryley, 503—507. Rot. Parl. i. 267. 269. Parl. Writs, i. 161—3.

‡ Rym. 968—970. Rot. Parl. i. 211. The money arising from these fines was to be spent in Scotland, for the benefit of the kingdom. The Stewart, on the 3d of November, came into each of the courts of law at Westminster, acknowledged his treason, submitted entirely to the good pleasure of the king, and granted that thenceforth Edward might dispose of him, his body and property according to his pleasure. This declaration was enrolled at his request. Abbrev. Placit. p. 208. Rot. 51.

sidered that these men had given repeated proofs of their hostility to Edward, that they had sworn fealty to him and renounced it, had renewed their oaths and broken them again, we shall discover more reason to applaud his moderation, than to accuse his severity. The world has seen many conquerors; but it will be difficult to find one, who with such provocation has displayed an equal degree of lenity.

We have hitherto observed the conduct of Edward in his relations with foreign powers; have seen him wrest the province of Guienne from the grasp of the king of France, and extend his own authority over the kingdom of Scotland and the principality of Wales. It is now time to attend to the manner in which he governed his patrimonial dominions, to notice the improvements which he introduced, the new laws which he established, and the expedients by which he was enabled to defray the expenses of his numerous campaigns.

I. For many of the improvements in the English constitution we are indebted more to views of personal interest than of enlightened policy. In the infancy of the feudal institutions the warrior was every thing, the merchant or tradesman nothing. But the latter, in the progress of civilization, gradually acquired property: property gave consideration; and during the civil wars of the last reign, both parties had found the assistance of the principal towns and cities as valuable as that of the most powerful barons. The earl of Leicester, as we have seen, had ventured to call their representatives to parliament; and his example was followed by the council on the death of Henry III. Besides the lords spiritual and temporal, four knights were summoned from each county, and four citizens from each city, to appear at Westminster, and swear fealty in the presence of the royal commissioners to the new king, who had not yet returned from the holy land*. Edward allowed ten

A. D.
1273.
Jan.
14.

years to pass before he had recourse to their services: but in 1283, during his war in Wales, he compelled every man, possessing twenty pounds a year in land, to join the army, or furnish a substitute; and in order to procure an aid from men of smaller property, summoned a parliament of only two estates, the clergy and commons. The former were to assemble in the usual manner, the latter to consist of four knights from each shire, and two representatives from every city, borough, and market town. For their greater convenience they were divided into three bodies: the clergy and commons of the counties south of the Trent assembled at Northampton; those of the northern counties at York, with the exception of the clergy and commons of the bishopric of Durham, who met in that city, probably in virtue of some privilege belonging to it as a county palatine. All three were opened by commissioners from the king, who remained in Wales: nor did any inconvenience arise from the distribution of the whole parliament into separate bodies, sitting in different places, as each had no other business to transact than to grant an aid from those whom it represented*. About eight months later, at the conclusion of the war, the king summoned another parliament: but the number of cities and boroughs that returned members was confined to twenty, and the writs were no longer directed to the sheriffs of the county, but to the mayors, bailiffs, and good men of the same cities and boroughs. In this parliament a different separation took place. The lords sat at Shrewsbury, and were employed in the trial and judgment of David prince of Wales: the clergy and commons assembled at Acton Burnel, and made the celebrated statute for the recovery of debts. From that period Edward appears to have reverted to the ancient custom of raising money by tallages; and eleven years

A. D.

1283.

Jan.

20.

Sept.

30.

* See the different writs on this occasion in Hody, 372. 378. 380. 333 Parl. Writs, i. 10, 11.

elapsed before the representatives of the cities and boroughs were again summoned to parliament: but in 1295 writs were directed to the towns and cities, and returns were made from one hundred and ten places. The king, however, had reason to be gratified with the experiment: if the barons and knights of the shire gave him an eleventh, the new members voted a seventh of their moveables: the precedent was too valuable to be allowed to fall into disuse; the number of boroughs was augmented, their deputies were regularly summoned; and their grants, as if the proportion had been already fixed, usually amounted to one-third more than those of the higher orders. This indeed was the principal object for which their presence was required: with matters of state, men in their humble situations could not be conversant; and they were therefore occasionally dismissed, while the peers continued their sittings. But they derived one great advantage from their attendance: they could confer with each other on their grievances; they could make them known to the crown; and with their grants of money they generally coupled petitions for redress.

Of the form of proceeding in these ancient parliaments we know little. At the opening of that which was held in 1305, proclamation was made by the king's command in the great hall of Westminster, at the bar of chancery, before the courts of king's bench and exchequer, in the guildhall, and in Westchepe, in the following words: "Know all men, who wish to present petitions to this parliament, that they deliver them from day to day till the first Sunday in Lent (during one week) at the furthest, to sir Gilbert de Roubiry, master John de Caam, sir John de Kirkeby, and master John Bush, or any one of them, who are appointed to receive them to the aforesaid time at the farthest*." At the termination of the session, the par-

* The same persons were again appointed to receive petitions, and summoned for that purpose to another parliament held in September. The

liament was dissolved by the following proclamation: "All archbishops, bishops, and other prelates, earls, "and barons, knights of shires, citizens, and burgesses, "and all others of the commons, that are come to this "parliament, by command of our sovereign lord the "king—the king gives them many thanks for coming, "and wills that for the present they go back to their "homes, so that they return forthwith, and without "delay, whenever they shall be recalled, except the "bishops, earls, barons, justices, and others of the king's "council, who must not depart without his special per- "mission. To those who have business, leave is given "to remain and to follow it. And the knights who "are come for the shires, and the others for the cities "and boroughs, may apply themselves to Sir John de "Kirkeby, who will give them briefs to receive their "wages in their several counties *."

II. 1. The reader has already observed the impoverished state of the royal revenue under Henry III. As soon as Edward ascended the throne, he appointed in his first parliament commissioners to inquire into the state of the fiefs held of the crown, and by that measure obtained several forfeitures of considerable value. Soon afterwards the law officers of the crown sued out writs of *quo warranto* to the judges of assize, directing them to inquire by what title the landholders held their estates, and claimed the liberties and immunities which they enjoyed. This inquest was a source of much vexation and general discontent. During the lapse of years, and amidst the revolutions of property, many families had lost their original deeds, and in that case their lands were adjudged to the king, and withheld from the owners, till the restoration had been purchased by an arbitrary fine. Even when the original deeds were

time for receiving petitions was fixed from the 15th of September to the third of October. Rym. ii. 966. Other persons were appointed to receive petitions from Scotland, Aquitaine, Ireland, and Guernsey.

* Ryley, 241. Rot. Parl. i. 159.

produced, their validity was not admitted, till they had undergone the most rigorous scrutiny, and had been tried by every ordeal, which legal ingenuity could devise. At length the king consented to mitigate the rigour of his former instructions; and an undisturbed possession from before the time of Richard I. was allowed to be pleaded as an effectual bar to the claims of the crown *.

A. D.
1289.

2. The Jewry, as it was called, furnished another source of revenue, from which Edward at first like his predecessors derived considerable profits, but which he afterwards destroyed, partly through religious considerations, and partly to appease the clamour of his subjects. Traces of the existence of Jews in England may be discovered under the Anglo-Saxon dynasty: they became more numerous during the reign of the conqueror, and gradually multiplied under the rule of his successors; not that these princes felt any partiality for a race of men everywhere persecuted, but because, by protecting them, they consulted their own interests. For the Jew, in the language of the law at that period, was the slave, the chattel of the sovereign †: whatever he might actually possess, or subsequently acquire, belonged to the crown; and, if he became an object of value in the royal estimation, it was on account of the profit which he continually brought to the exchequer. Hence he was enrolled as the king's property from his birth, exempted through life from the payment of tolls or dues to inferior authorities, and suffered to dwell nowhere but in the royal cities or boroughs, and only in some of them, and in such particular quarters as were assigned for that purpose. There the children of Israel formed a separate community; being distinguished from all other classes of men by wearing two tablets, at first of white linen, afterwards of yellow felt, sewn over the breast. They

* Waver. 236. Stat. of Realm, 107.

† Au Rey ki serf il est. Stat. of Realm, i. 221. Proprium catallum nostrum. New Bym. i. 51.

could not intermarry with Christians, nor employ them as servants, nor harbour them as inmates. But they possessed in their own quarter schools for the education of their children, synagogues for the celebration of their worship with due modesty and in a subdued tone, and a cemetery without the walls for the interment of their dead. Their high priest, whose authority all obeyed, resided in the capital, and was elected by themselves, subject to the approbation of the king. Their only occupation was that of lending money, either on pledges, which were forfeited by the owner, unless redeemed within a year and a day, or upon interest at a certain rate per week, the highest which they could extort from the necessities of the borrower*. In this way they made enormous profits; for the rents and fines of the feudal tenures, the aids and tallages imposed by the government, and the want of money for expeditions to the Holy land, furnished them with opportunities of lending, whilst the notion, that the exaction of interest was forbidden to Christians by the words of Scripture freed them from competition on the part of others. In this their favourite pursuit they met with every encouragement from the crown. The king took them as *his* bondmen under his special protection; established for them offices, where, in coffers under three locks, they deposited their bonds and securities, their money, plate, and pledges; and withdrew them from the jurisdiction of the courts Christian and of every ordinary tribunal, and placed them under the superintendence of three or four persons called wardens, who had power to hear and determine every cause in which either of the parties was a Jew, the latter pleading in the king's name, and before a jury selected equally from the professors of both religions. For this support, which cost him nothing, the sovereign was amply repaid by fines, forfeitures and

* From the amusing narrative of Richard de Anesty in Palgrave, bxxiv. it appears that they exacted from 2d. to 3d. and 4d. in the week per pound that is, from 43½ to 65, and 86½ per cent. in the year.

reliefs; by an annual capitation tax of three pennies from every Jew male or female of the age of twelve years; by the practice of imposing tallages on the whole body at will and to any amount; by the right frequently exercised of exacting, or selling, or forgiving, in consideration of a present, the money owing to a Jew, and by the facility of raising at any moment a considerable sum by making over to the lender the emoluments of the Jewry for a certain number of years. Yet attention to his own interest taught the king on these occasions to act with some caution. It was possible to exhaust the source from which so much wealth was derived, and on that account commissioners were occasionally appointed to open the chests of chirographs, as they were called, and to make inventories of all the bonds and treasures of the Jews, that the council might ascertain what burthen they could bear, and what portion of their profits the king might safely appropriate to himself. It seems never to have occurred to them that, if a Christian could not practise usury himself, he ought not encourage it for his own profit in others*.

To the great mass of the people the Jews during the whole of this period were objects of the bitterest hatred. They looked on them as men whose chief study it was to reduce families to indigence by extortion; as fiends who delighted in the sufferings of Christians; as an accursed race who, by adhering to the religion, professed their assent to the great crime of their forefathers. Reports were continually circulated of blasphemies uttered, and cruelties exercised by them in derision of the Christian worship. Hence the protection of the sovereign was not always a shield to them against insult and oppression; and in times of riot or sedition many of them fell victims to the rage of their enemies. But

* This account I have collected from different instruments in the New Rymer, 51. 95. 151, 152. 274. 293. 315. 337. 484. 503. The Statutes of the Realm, 221, 222. Hoveden, 668, 745. and Placita de ann. Reg. Henrici, Filii Reg. Joannis iii^o et iv^o.

about the close of the reign of Henry III., a new charge against them was urged on the attention of the monarch, that by lending money on the security of rents they had in many instances crept into the possession of land to the disherison of the tenant's family, and the great prejudice of his lord. As a remedy the king ordained that, since they were incapable of possessing real property with the exception of dwelling-houses and their appurtenances, they should either restore the lands in question to the owner on his repayment of the loan without interest, or, if he declined the offer, should dispose of them to some other Christian on the same terms*. Ed-
 1272. ward at his coronation was assailed with new complaints from their opponents. He consulted his parliament, and published an ordinance, in which, having first acknowledged the benefit which his predecessors had derived from the Jews, he forbade them ever more to receive interest on the loan of money, exhorted them to seek their living by honest and lawful means, and with that view permitted them to work for Christian masters, to buy and sell all manner of merchandise without payment of toll, and enabled them to take leases of land for any term not exceeding ten years. But few, if any, were disposed to avail themselves of these concessions†. They had long been suspected of clipping the coin, a fraud the detection of which was difficult, as long as the silver penny might be lawfully divided into halves and farthings. But now an unusual quantity of light money
 1279. was found in circulation; the mutilation was of course attributed to the Jews, and the king ordered all who were charged by common fame to be apprehended on the same day. The trials occupied a special commission during several months, and, as the actual posse-

* New Rym. 489.

† Stat. of Realm, 221. There has been some doubt respecting the date of this statute; but the document in Rymer, p. 543. which is evidently founded on it, shows that it was probably passed in the fourth year of Edward, the time to which it has been assigned by Prynne.

sion of clipped coin was taken for a proof of guilt, not fewer than two hundred and eighty Jews, men and women, were hanged in the capital, and probably an equal number in the country. It should, however, be noticed that the offence was not confined to the Jews: many Christians were also convicted, and with equal justice subjected to the same punishment. At last an end was put to these prosecutions by a proclamation offering full pardon to all, whether Christians or Jews, May who not having been indicted for the offence, should 7. come in, confess their guilt, and submit to a competent fine*.

The conversion of the Jews to Christianity was an object which the late king had greatly at heart. To promote it, he distinguished by particular favours the men eminent amongst the proselytes, and founded in the capital an establishment for the reception and support of the more indigent †. Edward adopted the views A. D. of his father. The task of instructing them was con- 1280. fided to the Friars preachers, that of procuring their Jan. 2. attendance at the lectures of the missionaries, to the royal bailiffs. At the same time the king promised as a boon—and the boon shows the degraded state of this Jan. 3. oppressed people—that, though all the goods and chattels of every Jew belonged to the crown, he would allow each convert to keep for himself one moiety of such property, and would devote the other to a fund for the support of those in indigent circumstances ‡. But Edward promised, the Friars preached, in vain. Nothing could wean the Jews from their attachment to the law of Moses. In 1287 they incurred the king's A. D. 1287.

* Wals. 48. Westm. 409. Dunst. 450. New Rym. 570. A new coinage was issued. Wikes. 108. Dunst. 452.

† New Rym. 201. 208. This establishment was situated "in Neuestreete" *"inter vetus Templum et novum."* Ibid. The church occupied the site of the Rolls chapel at present.

‡ In addition he promised to add to the fund the proceeds of the capitation tax on the Jews, and of all the deodands throughout the kingdom, New Rym. 582.

displeasure, probably by their objection to the payment of a tallage; and on the same day the whole race, without exception of age or sex, were thrown into prison, where they remained in confinement till they had appeased the royal indignation with a present of twelve thousand pounds *. But presents could not avert the fate which threatened them. Three years later Edward, yielding to the importunities of his subjects, ordered every Jew under the penalty of death to quit the kingdom for ever before a certain day: but at the same time, with some attention to the demands of justice, allowed them to carry away with them their money and chattels. To the number of sixteen thousand five hundred and eleven, they repaired to the cinque ports, where the royal officers protected them from insult, provided the poor with a gratuitous passage, and sheltered the rich from imposition. But at sea the mariners, no longer awed by the royal prohibition, in several instances plundered the passengers and threw them overboard, not however with impunity; for Edward caused the murderers to be apprehended, and to suffer the punishment due to their crime. Thus ended the sojourn of the Israelites in England. By the people their expulsion was celebrated as a public benefit; and the clergy granted to the king a tenth, the laity a fifteenth, in proof of their gratitude †.

3. The wars in which Edward engaged necessarily involved him in extraordinary expenses; but the measures, by which he endeavoured to supply his wants, oppressive as they were at the time, ultimately proved a benefit to the subject, by provoking that resistance which confined the prerogative of the crown within more moderate limits. Under the pretence of undertaking a crusade for the recovery of the holy land, he obtained from pope Nicholas IV. the tenth of all ecclesiastical benefices for the six following years: and that the

* Wikes, 114.

† New Rym. 736. 584. Heming. 21. Trivet, 257.

grant might be more productive, the assessments were made by a new valuation taken upon oath*. In 1294 ^{A. D.} he determined to make a serious effort for the recovery ¹²⁹⁴ of Guienne; and to defray the expenses of the approach- ^{July.} ing campaign had recourse to a bold but despotic expedient. Commissioners were appointed to search the treasuries of every church and monastery: the monies deposited in them, whether they were the property of the monastic and clerical bodies, or had been placed there for greater security by private individuals, were entered on the rolls of the exchequer; and the principal sums, under the denomination of loans, were carried away for the use of the king. A few months later the citizens of London, assembled in common council, were induced by entreaties or threats to grant him a sixth of their personals; and commissioners were sent to all the other cities and boroughs to urge them to imitate the capital. The lords and knights of the shires reluctantly gave him a tenth: but he harangued ^{Nov.} the clergy himself, and finished by requiring half ^{12.} of their income, both from their lay fees, and their benefices. At this unprecedented demand they were filled with astonishment. A vigorous opposition was menaced; but their head, the archbishop of Canterbury, had previously left the kingdom; the dean of St. Paul's, whom they had sent to expostulate with the king, suddenly expired in his presence; and a knight, sir John Havering, unexpectedly entering the hall, addressed them in these words: "Reverend fathers, if there be any one among you, who dares to contradict the royal will, let him stand forth that his person may be known and noticed as of one who has broken the king's peace." At this threat they submitted†; and the

* Dunst. 593. It was published in folio, London, 1802, under the title of *Taxatio ecclesiastica Angliæ et Walliæ auctoritate P. Nicholai IV. circa A. D. 1291*. By this were regulated all taxes both to pope and king from the beneficed clergy till the survey in the 26th of Henry VIII.

† West. 422. Wikes, 126. Walsing. 65. Knyghton, 2501. Duns. 639. Heming. 52. 54.

- success of the experiment induced the king to repeat it in the following year. The representatives of the cities and boroughs were now summoned to parliament, and voted him a seventh. The lords granted an eleventh. From the clergy he demanded a third or fourth. They pleaded inability, but offered a tenth, which, after a scornful refusal and a delay of two months, was accepted. Alarmed by such heavy and repeated exactions, they began to look around for protection. Edward had recently employed the papal authority to enforce the payment of the tenths for the holy war: they had recourse to the same authority to shield them from the royal extortion; and Boniface VIII., at their prayer, published a bull, forbidding the clergy of any Christian country to grant to laymen the revenues of their benefices without the permission of the holy see*. Under this plea, in the November following, they resisted the king's demand of a fifth; and obtained a respite till January, during which the royal seals were fixed on their barns. On the appointed day commissioners were sent to require their answer; and the archbishop rising, addressed them in the following words: "You know, sirs, that under Almighty God we have two lords, the one spiritual, the other temporal. Obedience is due to both, but more to the spiritual. We are willing to do everything in our power, and will send deputies at our expense to consult the pontiff. We entreat you to carry this reply to the king, for we dare not speak to him ourselves." Edward had already formed his resolution. He consulted the lay peers, issued a proclamation of outlawry against the clergy both

* In the bull the pope excommunicated all persons imposing unlawful burdens on the clergy, and all clergymen submitting to such burdens (Rym. ii. 706): but the next year (July 23d, 1297) in an explanatory bull he declared, that his former prohibition and censure did not extend to the voluntary aids granted by the clergy, nor to cases of necessity, when contributions were necessary for the safety of the kingdom, of which necessity the king and his council were the proper judges; nor to the diminution of any right, liberty, or custom, of which the king, barons, or temporal lords were in lawful possession. Spound. 322. Brady, iii. 54.

regular and secular, and took possession of all their lay fees, goods, and chattels for the benefit of the crown*. The lord chief justice of the king's bench thus announced the consequences in full court: "You that are here present, proctors and attorneys, for the archbishops, bishops, abbots, priors, and others of the clergy, take notice and acquaint your masters, that henceforth no manner of justice shall be done to them in any of the king's courts, for any injury how grievous soever; but that justice shall be had against them by every one that will complain and require it of us†."

Before the king's writs were issued, the archbishop of York, with his clergy, had compounded by the grant of a fifth, to avert the royal displeasure‡. In the province of Canterbury the officers of the crown took possession of all clerical property, both real and personal, with the exception of what was contained within the precincts of churches and cemeteries; and at the same time intimation was made to the owners, that whatever was not redeemed before Easter, would be irrevocably forfeited to the king. The convocation assembled on midlent Sunday. According to ancient custom, it divided itself into four bodies, composed of the archbishop and bishops, the abbots and priors, the deans and archdeacons, and the proctors of the parochial clergy. Before they began their deliberations, a royal message was received forbidding them, under the severest threats, to proceed to any measure prejudicial to the rights of the crown, or to pronounce any censure against persons employed in the king's service, or such as had already submitted to his will§. At the same time they were reminded that Edward no longer asked them for an aid, but required a heavy fine for their contempt of the royal authority. It was in vain that this nominal distinction was thrown out to open a way to submission.

Feb.
6.Mar.
26.

* Apud Brady, iii. App. No. 18.

† Thorn. 1965. Knyghton, 2491. Heming, 107, 108.

‡ Brady, iii. App. No. 19.

§ Ibid. No. 23.

As long as they remained together, their constancy was invincible; they adhered to their former resolution, and determined to suffer with patience every privation. But the moment the convocation was dissolved, a few eagerly sought the royal favour; their example quickly gained proselytes; some paid the fine; others deposited sums of money in places where they might be seized by the officers of the exchequer; and others purchased at arbitrary prices letters of protection. Still there remained many, who refused to descend to such expedients, and contrived to weather out the storm through the aid of their relatives, or the commiseration of their neighbours. The archbishop, a man of inflexible resolution, retired with a single chaplain to a parsonage in the country, where he discharged the functions of the curate, and subsisted on the alms of the parishioners. Of his suffragans, the bishop of Lincoln alone imitated his example. But the friends of that prelate voluntarily subscribed the sum required by the king, and obtained the restoration of his temporalities*.

Had Edward confined his rapacity to the clergy, he might perhaps have continued to despise their remonstrances: but the aids which he annually raised on the freeholders, the tallages which he so frequently demanded of the cities and boroughs, and the additional duties which he extorted from the merchants, had excited a general spirit of discontent. Wool and hides were the two great articles of commerce, the exportation of which was allowed only to foreign merchants, and confined by law to eleven ports in England, and three in Ireland. In the beginning of his reign the duty had been raised to half a mark on each sack of wool: but the royal wants perpetually increased; and during his quarrel with the king of France, he required five marks for every sack of fine, three for every sack of coarse wool, and five for every last of hides. On one

* Danst. 651—655. West. 249. Wals. 63, 69. Heming. 109, 110.

occasion he extorted from the merchants a loan of the value of all the wool which they exported : on two others, he seized and sold both wool and hides for his own profit. He even stretched his rapacious hands to the produce of the soil, and the live stock of his subjects ; and to provision his army in Guienne, issued precepts to each sheriff to collect by assessment on the landholders of his county a certain number of cattle, and two thousand quarters of wheat *. Though this requisition was accompanied with a promise of future payment, the patience of the nation was exhausted. Consultations began to be held, and preparations were made for resistance. Edward had assembled two bodies of troops, with one of which he intended to sail to Flanders, the other he destined to reinforce the army in Guienne. At Salisbury he gave the command of the latter to Bohun earl of Hereford, the constable, and to Bigod earl of Norfolk, the marshal of England : but both these noblemen refused the appointment, on the alleged ground, that by their office they were bound only to attend on the king's person. Edward, in a paroxysm of rage, addressing himself to the marshal, exclaimed : " By the everlasting God, " sir earl, you shall go or hang." " By the everlasting " God, sir king," replied Bigod, " I will neither go nor hang." Hereford and Norfolk immediately departed : they were followed by thirty bannerets, and fifteen hundred knights ; and the royal officers, intimidated by their menaces, ceased to levy the purveyance. Edward saw that it was necessary to dissemble, and summoned some, requested others, of his military tenants to meet him in arms in London †.

Feb.
24.

The two earls, in concert with Winchelsea, the archbishop of Canterbury, had arranged their plan of resistance to the royal exactions. On the appointed day

* Knyght. 2501. Dun. v. 418. Wals. 69. Heming. 110, 111.

† Heming. 112.

- the constable, and John de Segrave, as deputy marshal (Bigod himself was detained at home by sickness), attended the king's court: but when they were required to perform their respective duties*, returned a refusal in writing, on the ground that they had not received a legal summons, but only a general invitation. Edward appointed a new constable and marshal; and, to divide and weaken his opponents, sought to appease the clergy, and to move the commiseration of the people. He received the primate with kindness, ordered the restoration of his lands, and named him one of the council to prince Edward, whom he had appointed regent. On a platform before the entrance of Westminster-hall, accompanied by his son, the archbishop, and the earl of Warwick, he harangued the people. He owned that the burdens, which he had laid on them, were heavy; but protested that it had not been less painful to him to impose, than it had been to others to bear them. Necessity was his only apology. His object had been to preserve himself and his liege men from the cruelty and rapacity of the Welsh, the Scots, and the French, who not only sought *his* crown, but also thirsted after *their* blood. In such case it was better to sacrifice a part than to lose the whole. "Behold," he concluded, "I am going to expose myself to danger for you. If I return, receive me again, and I will make you amends: if I fall, here is my son; place him on the throne; and his gratitude shall reward your fidelity." At these words the king burst into tears: the archbishop was equally affected; the contagion ran through the multitude; and shouts of loyalty and approbation persuaded Edward that he might still depend on the allegiance of his people. This exhibition was followed by writs to the sheriffs, ordering them to protect the
- July 8.
- July 11.
- July 14.
- July 31.

* These duties were to call all the military tenants before them, enrol their names, the number of their followers, the time they were to serve, &c. Rym. ii. 783.

clergy from injury, and to maintain them in the possession of their lands *.

He now ventured to proceed as far as Winchelsea on his way to Flanders. But here he was alarmed by reports of the designs of his opponents, and ordered letters to be sent to every county, stating the origin of his quarrel with the two earls, asserting that he had never refused any petition for redress, and promising to confirm the charter of liberties and charter of the forests, in return for the liberal aid of an eighth which had been granted by the council in London †. Soon afterwards a paper was put into his hands, purporting to be the remonstrance of the archbishops, bishops, abbots, and priors, the earls, barons, and whole commonalty of England. In it they complained that the last summons had been worded ambiguously; that it called on them to accompany the king to Flanders, a country in which they were not bound to serve by the custom of their tenures; that, even if they were, they had been so impoverished by aids, tallages, and unlawful seizures, as to be unable to bear the expense; that the liberties granted to them by the two charters had been repeatedly violated; that the "evil toll" (the duty) on wool amounted alone to one-fifth of the whole income of the land; and that to undertake an expedition to Flanders, in the existing circumstances, was imprudent, since it would expose the kingdom without protection to the inroads of the Welsh and Scots. Edward replied, that he could return no answer on matters of such high importance without the advice of his council, a part of which had already sailed for Flanders; that if the remonstrants would accompany him, he would accept it as a favour; if they refused, he trusted they would raise no disturbance during his absence. Before his departure he ordered the treasurer of the

* Compare Hemingford, 113, 114. West. 70. Knyghton, 2510, with the writs in Rymer, ii. 783, and Brady, iii. App. No. 29, 30.

† Rym. *ibid.*

exchequer to levy one-third of the temporal goods of the clergy, and appointed commissioners in each county, with powers to require security from all persons for the payment of aids due to the crown, and to imprison the publishers of false reports, the disturbers of the peace, and such of the clergy as might presume to pronounce censures against the royal officers for the discharge of their duty*.

Aug. 22. At length the king sailed, accompanied by the barons and knights who had espoused his cause; and two days

Aug. 24. later Bohun and Bigod with a numerous retinue proceeded to the exchequer. The constable, in presence of the treasurer and judges, complained of the king's extortions, of his illegal seizures of private property, and of the enormous duty imposed upon wool, and forbade them, in the name of the baronage of England, to levy the last eighth which had been granted by the great council, because it had been voted without his knowledge and concurrence, and that of his friends†. From the exchequer they rode to the guildhall, where they called upon the citizens to join in the common cause, and to aid in wresting the confirmation of the national liberties from a reluctant and despotic sovereign. The tears which the Londoners had shed during Edward's harangue were now dried up: considerations of interest suppressed the impulse of pity; and they gave assurance of their co-operation to the barons, who immediately retired to their respective counties. Both during their progress to the capital, and their return from it, they had marched in military array. But at the same time they had been careful to preserve the peace; and had threatened by proclamation to punish every lawless aggressor with the immediate

* Heming. 115—117. Knyght. 2511. Wals. 71. Rym. ii. 788. Parl. Writs, i. 396.

† Edward said it had been granted by the great lords who were with him: *les graunt seigneurs, qui n'adguers furent ove lui* (Rym. ii. 784): Bohun objected that his friends had no knowledge of it. *De conscientia suorum non emanasse.* West. 431.

amputation of a hand, or the loss of the head, according to the quality of the offence*.

The king was soon informed of these proceedings, and ordered the barons of the exchequer to disregard the prohibition. But in a few weeks his obstinacy was subdued by a succession of untoward events. The people and clergy universally favoured the cause of the earls: the Scots, after their victory at Stirling, had burst into the northern counties; and Edward himself lay at Ghent in Flanders, unable to return to the protection of the kingdom, and too weak to face the superior force of the French king. In these circumstances the lords who composed the council of the young prince invited the archbishop, six prelates, twenty-three abbots and priors, the constable and marshal, and eight barons, to treat with them on matters of the greatest moment, and summoned a parliament to meet a week later in London, and witness the confirmation of the two charters†. In Sept 30. the conferences which followed, the two parties, though opposed in appearance, had the same interests and the same views: a form of peace (so it was called) was speedily arranged; and to the ancient enactments of the charters were appended the following most important additions:—"No tallage or aid shall henceforth be laid "or levied by us or our heirs in this our realm, without "the good will and common assent of the archbishops, "bishops, and other prelates, the earls, barons, knights, "burgesses, and other free men in our realm. No "officer of us or our heirs shall take corn, wool, hides, "or other goods of any person whatsoever, without the "good will and assent of the owner of such goods.— "Nothing shall henceforth be taken on the sack of wool "under the name or pretence of the evil toll. We also "will and grant for us and our heirs that all, both clergy "and laity of our realm, shall have their laws, liberties,

* West. *ibid.* Heming. 117. Knyght. 2512. Wals. 72.

† Brady, *Hist.* iii. App. No. 33. Rym. ii. 793.

“and free customs, as freely and wholly as at any time
 “when they had them best; and if any statutes have
 “been made or customs introduced by us or our ances-
 “tors contrary to them or to any article in the present
 “charter, we will and grant that such statutes and cus-
 “toms be null and void for ever.—We have moreover
 “remitted to the earl constable, and earl marshal, and
 “all their associates, and to all those who have not
 “accompanied us to Flanders, all rancour and ill-will,
 “and all manner of offences which they may have com-
 “mitted against us or ours before the making of this
 “present charter.—And for the greater assurance of
 “this thing we will and grant for us and our heirs, that
 “all archbishops and bishops in England for ever, shall
 “twice in the year after, the reading of this charter in
 “their cathedral churches, excommunicate, and cause
 “in their parochial churches to be excommunicated, all
 “those, that knowingly shall do or cause to be done any
 “thing against the tenor, force and effect of any article
 “contained in it*.”

The most important of these demands, that by which the crown was called upon to relinquish the claim of levying taxes without the consent of the nation, had already been yielded by John in the magna charta. But the concession was then thought to bear so hard on the royal prerogative, that on the confirmation of the charter in the first of Henry III., it had been reserved for subsequent consideration; and both that monarch and his

* Stat. of Realm, I. 125. Heming. 141. Though Hemingford calls these demands articuli inserti in Magna Charta, and they have been always printed in the Statute Book as Statutum de tallagio non concedendo, I cannot discover that they were ever confirmed by the king in that particular form. It is observable, however, that the compiler of them adapted his language to the altered composition of parliament. In John's charter taxes are not to be levied nisi per commune consilium regui: in these articles, sine voluntate et assensu communi archiepiscoporum, episcoporum et aliorum prelatorum, comitum, baronum, militum, burgensium et aliorum liberorum hominum de regno nostro. But in the charter signed first by the prince and afterwards by the king, a different language is adopted—forsaque par comun assent de tut le roiaume et a comun profit de meisme le roiaume. Stat. 123.

son had hitherto been able to keep it in abeyance by delays and evasions. But now procrastination would have been dangerous. As soon as the parliament assembled, the prince subscribed two instruments, of which one confirmed the two charters, the other granted, but in different language and different order, every concession demanded by the barons. In addition, for their security he took them individually under his protection, and the lords of the council bound themselves to indemnify them against the effects of the royal resentment. In return an aid in money was granted both from the clergy and laity, and a common letter was written to the king, assuring him that his faithful barons were ready at his word to join him in Flanders, or to march against his enemies in Scotland; but requiring at the same time, and in a tone of defiance, his ratification of the acts done by his son against the sixth day of December. It cost the haughty mind of Edward many a struggle before he would submit: three days were spent in useless deliberation and complaints: but at last, with a reluctant hand he signed the confirmation of the two charters with the additional articles, and a separate pardon for the earls and their followers*.

Oct
10.Nov.
5.

This was perhaps the most important victory which had hitherto been gained over the crown. By investing the people with the sole right of raising the supplies, it armed them with the power of checking the extravagance, and controlling the despotism, of their monarchs. Whatever jealousy might be entertained of Edward's intentions, his conduct wore at first the semblance of sincerity. As soon as an armistice had been concluded between him and the king of France, he returned to England, and appointed commissioners to inquire into the illegal seizures which had been made

A. D.
1298.
Mar.
14.

* Brady, iii. App. No. 24. Knyght. 2523—2524. Heming. 138—143. West. 431. Wals. 73, 74. Stat. of Realm, i. 114—126. In the Lords' Report (227) it is doubted whether the grant of money was a parliamentary grant. But see Parl. Writs, i. 63, 64.

Apr. previously to his departure. They were to be divided

4. into two classes. Where the officers had acted without warrant, they were at their own cost to indemnify the sufferers: where the goods had been taken by the royal orders, their value was to be certified into the exchequer, and prompt payment was to be made*. Still it was suspected that he only waited for a favourable moment to cancel the concessions which had been wrung from him by necessity; and it was whispered that among his confidential friends he had laughed at them as being of no force, because they had been made in a foreign country, where he possessed no authority.

May When he met his parliament at York, the earls of

25. Hereford and Norfolk required that he should ratify his confirmation of the charters. He objected the necessity of hastening to oppose the Scots, solemnly promised to comply with their request on his return, and brought forward the bishop of Durham and three earls, who swore "on his soul" that he should fulfil his engagements†. The victory of Falkirk and a long series

A. D. 1299. of success gave a lustre to his arms; but when the parliament assembled the next year, the king was reminded

9. of his promise. His reluctance employed every artifice to deceive the vigilance, or exhaust the patience of the two earls. He retired from the parliament in anger: he returned, and proposed modifications: at last he ratified his former concessions, but with the addition of a clause, which, by saving the rights of the crown, virtually annulled every provision in favour of the subject‡. Bohun and Bigod instantly departed with their adherents; and the king, to ascertain the sentiments of the people, ordered the sheriffs to assemble the citizens in the cemetery of St. Paul's, and to read to them the new confirmation of the charters. The lecture was repeatedly interrupted by shouts of approbation: but when the illusory clause

* Rym. ii. 813.

† Wals. 76. Heming. 159.

‡ *Salvis tamen juramento nostro, jure coronæ nostræ, et rationibus nostris, ac etiam aliorum.* Stat. of Realm, i. 126.

was recited, the air rang with expressions of discontent, and curses were poured on the head of the prince, who had thus disappointed the expectations of his people. Edward took the alarm; summoned a new parliament Apr. to meet him in three weeks; granted every demand, ^{10.} and appointed a commission of three bishops, three May earls, and three barons, to ascertain the real boundaries ^{3.} of the royal forests*.

Though the earl of Hereford died soon after the dissolution of parliament, his partisans did not relax in their exertions. In the next session they complained that the law was but a dead letter, and that the royal officers refused to carry it into execution. To satisfy them ^{A. D.} Edward was compelled to repeat his concessions, and to ^{1300.} grant additional articles, by which it was enacted that ^{Mar.} the charters should be publicly read in the sheriff's ^{28.} court four times every year, and that three knights of each county should be elected by the freeholders, and be empowered by the king, to punish summarily every offence against them, for which a remedy had not been provided at common law†. During the year the per- ^{A. D.} ambulation of forests was completed, and in the follow- ^{1301.} ing parliament it was enacted, that "whatever according ^{Feb.} "to the return of the perambulators was situated with- ^{14.} "out the forests, should remain so, and whatever was "situated within them, should be accounted forest land "for ever."

Notwithstanding the facility with which Edward had of late assented to the demands of the barons, he cherished a secret hope of being one day able to resume those claims, the surrender of which had been wrested from him by the necessity of appeasing his subjects. In 1304 Scotland was subdued. He had already intimidated his former opponents by successively punishing them for their opposition to his interests. The earl marshal

* West. 431. Heming. 168. Stat. 27 Ed. I. St. 1.

† Stat. 28 Edw. I. St. 3. Articuli super Chartas, Stat. of Realm, 136. Brady, iii. 72.

and the son of the earl constable had been induced to surrender their estates and honours into his hands*: and the principal of the patriot barons under different pretences had been compelled to make him considerable presents†. From Stirling, as if his concessions and confirmations of the charters had never existed, he sent commissioners to raise a tallage on all the cities and boroughs of his demesne, according to their wealth and sufficiency, either by a capitation tax, or an impost in common, as might be most to his advantage. Nor was this illegal measure resisted or resented. In the next parliament he silenced the complaints of the barons by granting them permission to raise a similar tallage on their own tenants‡. Before he left Scotland he sent a deputation to the pope. Its object was a profound secret at the time, but has been revealed to posterity by the papal answer. The envoys informed his holiness that, during the king's absence in Flanders, a conspiracy had been formed against him by some of his barons, who extorted from him certain unjust concessions, in violation of the oath which he had taken at his coronation; and, exhibiting to him an attested copy of the bull by which Clement IV. had annulled the different compacts between Henry III. and the earl of Leicester,

* Edward returned his estates and honours to the earl of Norfolk, but limited to him and his issue by his wife Alice. He died three years after without issue, by which both reverted to the crown. Bohun surrendered his estates and honours Oct. 8. 1302, and recovered them two years later on his marriage with Elizabeth, the king's seventh daughter, and relict of the earl of Holland. Brady, iii. 74. 76.

† West. 452. Winchelsea had the honour of suffering with his friends. Edward charged the primate with having entered into a treasonable conspiracy during his absence in Flanders. The pontiff suspended him provisionally from his functions, and summoned him to plead his cause in the papal court. He remained two years in exile; but returned with honour after the death of the king. Birchington praises him for his resistance to Edward's exactions, and his constancy in defending the rights of the people. Regem in parliamentis et conciliis super suis abusionibus redarguit, et ad omne bonum quod potuit, monuit et induxit, non permittens ipsum errare, quatenus scire potuit, quin ipsum reprimeret, ut ab oppressionibus populi et exactionibus desisteret, et bonis operibus inhaereret. Ang. Sac. i. 17.

‡ Brady, iii. 97 Rot. Parl. i. 161.

they prayed that he would imitate the conduct of his predecessor. The answer, with which they returned, Dec. 29. declared all such concessions invalid; but this declaration proceeded on the supposition that the concessions were contrary to the rights of the crown, which the king had sworn to transmit to his posterity, and was accompanied with a clause saving to his subjects all the rights of which they were previously in possession*. Whether it were that with these limitations the papal rescript did not fully meet the king's wishes, or that he was intimidated by the rebellion of the Scots, he made no public use of its contents; but suffered the concessions, galling as they were, to remain on the statute roll at his death, and to descend to future sovereigns as the recognised law of the land†. Thus, after a long struggle, was won from an able and powerful monarch the most valuable of the privileges enjoyed by the commons of England at the present day. If we are indebted to the patriotism of cardinal Langton, and the barons at Runnymede, the framers of the great charter, we ought equally to revere the memory of archbishop Winchelsea, and the earls of Hereford and Norfolk. The former erected barriers against the abuse of the sovereign authority; the latter fixed the liberties of the subject on a sure and permanent foundation.

III. Notwithstanding these instances of oppression, Edward has obtained the name of the English Justinian, from the improvements which were made during his reign in the national code, and the administration of justice; improvements for which his people were perhaps as much indebted to his necessities as his wisdom; since they were always granted at the request of his parliament, and purchased with the vote of a valuable aid. That the courts of king's bench, exchequer, and common pleas, might not encroach on each other, the limits of their respective jurisdictions were accurately

* Rym. ii. 972.

† Stat. 34 Edw. I. St. 5.

A. D.
1285.

defined; and that the courts christian might not assume the undue cognizance of temporal rights, they were confined to matrimonial and testamentary causes, the non-payment of tithes, perjury, defamation, mortuaries, and the infliction of public penance. The institution of itinerary judges was retained; and, for the more prompt administration of justice, it was enacted that two of the number, aided by one or more discreet knights, should hold assizes in each county thrice in the year*. These officers might not be deficient in learning or talents; but there is great reason to doubt their integrity. With small salaries they amassed immense riches; and when the king, after an absence of three years, returned to England in 1289, all the judges were apprehended, and indicted for bribery. Two only were acquitted. Weyland, the chief justice of the king's bench, was found guilty of having first instigated his servants to commit murder, and then screened them from punishment. He abjured the realm, and all his property, both real and personal, was adjudged to the king†. Stratton, the chief baron of the exchequer, suffered a long imprisonment, was deprived of his lay fees, and paid a fine of thirty-four thousand marks. Sir Ralf de Hengham, the grand justiciary, and regent during the king's absence, was amerced in the sum of seven thousand, the rest in smaller sums, amounting in the aggregate to twenty-four thousand marks.

* Stat. 13 Edw. I. c. 30. Eight years later he divided the kingdom into four circuits, and appointed two judges to each, to be always employed in this office to the ease of the people. Middlesex was in no circuit, because the king's bench was in the county. Stat. of Realm, l. 112.

† The history of Weyland is curious. He escaped from custody, disguised himself, and was admitted a novice among the friars minors at St. Edmundsbury. His retreat was however discovered: but as he was in a sanctuary, forty days were allowed him according to law, after which the introduction of provisions into the convent was prohibited. The friars soon left it through want: Weyland followed them, and was conducted to the Tower. In the king's council the option was given to him to stand his trial, to be imprisoned for life, or to abjure the realm. He chose the latter; and having walked barefoot and bareheaded, with a crucifix in his hand, to the sea side, was immediately transported. See Dunst. 573-577. Wikes, 118, 119.

For the preservation of the peace was enacted the celebrated statute of Winchester, which revived the ancient custom of requiring sureties from strangers and lodgers, established the watch and ward from sunset to sunrise in all cities and boroughs; regulated the hue and cry; and ordered all hedges and underwood to be cleared away to the distance of two hundred feet on each side of the high roads leading from town to town, that they might not afford shelter to robbers*. These regulations, however, were ill observed, till the king issued a commission to certain knights in every shire, authorizing them to enforce the provisions of the act, and to call to their aid the posse of the sheriff as often as it might be requisite. The utility of these commissioners was soon ascertained: they were gradually armed with more extensive powers; and instead of conservators, were at last styled justices of the peace. But during Edward's expeditions into Scotland they were unable to suppress the bands of ruffians, who assembled in different places, hired themselves to the best bidder, and became the executioners of private vengeance, or the ministers of individual rapacity. These excesses, however, ceased with the submission of the Scots. An extraordinary commission^{A. D. 1305.} of justices of traylebaston proceeded from county to April county, and by condemning, after a summary trial, 6. many of the offenders to the gallows, so intimidated the rest, that they precipitately quitted the kingdom †.

During Edward's reign several alterations were made in the laws respecting the transmission or alienation

* Stat. of Realm, 96.

† Rot. Parl. i. 178. Ryley, 280. Rym. ii. 960. Several fanciful explanations of the name have been given. But as Sir F. Palgrave remarks (Chron. Aba. 66.) the commission is docketed, *de trans' nominatis trailbaston audiend' et terminand'*; and consequently the word applies to the offender or the offence. The offenders are described as murderers, robbers, and incendiaries, wandering from place to place, and lurking in woods and parks. Parl. Writs, i. 408. Perhaps they were generally armed with clubs; whence the offence might be called an act of trailbaston.

of real property, which are wholly or partially in force at the present day. Originally lands were given to a man and the heirs of his body, in failure of which heirs they were to return to the donor: but it had been held by the judges that on the birth of an heir the condition was fulfilled. The feoffee could then aliene as he pleased, and he was generally careful to make his fee-simple absolute, so that it might descend by common law to his heirs general. The barons complained that by this expedient the will of the donor, and the rights of his successors, were unjustly defeated; and a law was enacted, taking from the feoffee the power of disposing of his lands, and ordaining that they should descend in the terms of the original grant, and in failure of issue revert to the donor, or the heirs of the donor. The object of this statute was to preserve the rights of the lord: its effect, though that does not appear to have been contemplated by the legislature, was to secure the transmission of estates through the different generations of the same family, by depriving the actual possessor of the power of alienation*.

A. D.
1290. Another very important alteration regarded the conveyance of lands. At the commencement of Edward's reign, every tenant, who possessed freehold lands of inheritance, could convert his property into a manor, with manorial courts, profits, and immunities, by granting or selling a portion of it to two or more individuals, to be held by them and their heirs for ever, under free or military service. By this system of sub-infeudation manors were multiplied beyond measure; and the great barons discovered that they were deprived of the escheats, reliefs, and wardships, of the lesser freeholders, which by the condition of their tenures were reserved to the immediate lords of whom they held their lands. Repeated complaints gave birth to the statute of the eighteenth of this prince, by which the creation of new

* Stat. of Realm, 71.

manors was prohibited; and it was enacted, that in all sales or grants of land for the future, the new feoffee should hold his land, not of the individual from whom he received or purchased it, but of the chief lord of the fee. Hence it is, that at the present day no claim of manorial rights is admitted, unless they have existed as such since the year 1290 *.

I shall notice only one more alteration, which the king appears to have had much at heart, and in which he was in a great measure defeated by the ingenuity of his opponents; I mean the statutes enacted to prevent corporate bodies, ecclesiastical or secular, from acquiring lands in mortmain. For as such bodies cannot die, the immediate lords of those lands were deprived of the escheats, reliefs, wardships, and other feudal profits, which they derived from the decease of individual proprietors. To remedy the inconvenience bodies corporate had long been incapacitated from acquiring lands without the previous consent both of the mesne lord, and the king: but they had found means to evade the prohibition by taking leases for very long terms of years, or by purchasing estates, which were held bona fide of themselves. In 1279 a statute was passed, by which all alienations in mortmain, by whatever art, or under whatever pretext they might be effected, were forbidden on pain of forfeiture to the immediate lord, or, in his default during a year, to the lord paramount, and in default of both, to the king †. But an expedient was soon discovered by which the provisions of the statute were eluded. A secret understanding took place between the parties: the body wishing to obtain the land set up a fictitious title; and the real proprietor, by collusion, suffered judgment to be given against him. This was the origin of common

* Stat. of Realm, 106. Rot. Parl. tom. i. p. 41.

† Stat. of Realm, 51. There are, however, several instances in which the king granted licenses for the alienation of lands in mortmain. See Rym. ii. 664, 1004.

recoveries, which are still in use. The king was indignant when he saw himself foiled in this manner, and in 1285 a new statute was passed, by which all such cases were sent to a jury, and wherever fraud was discovered, the land was forfeited to the immediate lord*. Still the ingenuity of the clergy, who were principally interested in the contest, was not exhausted. They distinguished between the possession and the use; estates were no longer conveyed to the body corporate, but to others for its use; and thus, while the seizin of the land was in the nominal feoffee, all its profits and emoluments came to the possession of those for whom the vendor or grantor originally intended it†.

It had employed Edward thirteen years to forge the fetters of Scotland: in less than six months she was again free. To understand this important revolution, we must advert to the rival houses of Baliol and Bruce. Baliol was dead; and before his death he had more than once renounced for himself and his posterity all right to the crown. As the renunciation had been made in captivity, and was the effect of compulsion, it would probably have been disregarded by the Scots: but his only son was a prisoner in the Tower of London, and the task of supporting the rights of the family devolved on the next heir, John Comyn of Badenoch, the son of Marjory, Baliol's sister, a nobleman already distinguished by his efforts to recover the independence of his country. From the fatal battle of Falkirk to the last expedition of Edward, he directed as guardian the councils of Scotland. To the king of England he had long been an object of peculiar jealousy: at the late pacification a sentence of temporary banishment was pronounced against him; and, though that sentence had been recalled, he had still been fined in thrice the amount of his yearly income.

The pretensions of Robert Bruce, the original com-

* Stat. of Realm, 87.

† See Stat. 15 Rich. II. c. 5.

petitor, had descended to his grandson, of the same name, and about twenty-three years of age. The Bruces, animated by a spirit of opposition to the Baliols, had hitherto done little for their country. The grandfather had been the first to acknowledge the superiority of the king of England: the son, when Baliol drew the sword of independence, hastened to join the hostile banners of Edward; and the grandson, unable to discern his real interest, had continually oscillated between the two parties. As often as a gleam of success enlivened the hopes of the patriots, he became a willing convert to the same holy cause: at the approach of Edward, the apostate was always eager to make his peace with the conqueror, and to redeem his past disloyalty by new services. At the present time he enjoyed the favour and confidence of that prince, who had consulted him on the late settlement of Scotland, and remitted to him the payment of the relief due for the lands which his father had held in England.

It chanced that both Comyn and Bruce arrived at ^{A. D.} ^{1306.} ^{Feb.} ^{10.} Dumfries about the same time, probably to meet the new justiciaries who were holding their court in the town. Bruce requested a private conference in the choir of the church of the Minorites; and the very selection of the place warrants a suspicion that the two chiefs had reason to be on their guard against each other. Whether it were the consequence of premeditated treachery, or only the sudden impulse of passion, will be for ever unknown: but they met; the conversation grew warm; and Bruce plunged his dirk into the breast of Comyn, saw him fall, and hurried to the church-door. He appeared pale and agitated; and to the inquiries of his attendants replied: "I think I have killed Comyn."—"You only think so!" exclaimed one of the number, and hastened with his companions into the church. Comyn still breathed, and with proper care might have lived. The friars had conveyed him behind the altar; and his uncle, sir Robert Comyn,

had been called to his assistance. At the approach of the assassins sir Robert drew his sword, and was slain by Christopher Seaton, the brother-in-law of Bruce. Kilpatric springing forwards to Comyn, plunged his dagger into the heart of the unresisting victim*.

This is all that is known, perhaps more than is really known, respecting the cause, and the circumstances of the murder. But the Scottish historians are better informed. They tell us, that Comyn had bound himself by oath and indenture to support the claim of Bruce to the crown; that he afterwards betrayed the secret to Edward, who one evening over the bottle revealed his intention of putting the whole family to death; that the earl of Gloucester gave Bruce a hint of his danger, by sending him a pair of spurs and twelve silver pennies; that the patriot, to prevent his being tracked in the snow, ordered the shoes of his horses to be inverted, rode through bye ways from London to Lochmaben in seven days, and meeting on the road a foot-traveller, of suspicious appearance, killed him, and found on his person letters from Comyn to Edward; that he went immediately to Dumfries, sent for Comyn to the church, showed him the intercepted letters, and, receiving from him the lie, despatched the traitor†. This romantic tale was long believed by the gratitude and partiality of the people: but later writers of the

* Compare Hem. 219. West 453. Knyght 2494. Walsing. 91. Ford xii. 7. Hailes, i. 392. The cause assigned by the old poet, whose lines are preserved by Fordun, is the ancient quarrel between the two families.

Causa sume mortis est vetus discordia fortis.—Ford xii. 7.

† Fordun, xii. 5—7. Boece, xii. Buch. viii. The genius of Hume has improved and embellished this tale. He first gilds the spurs sent by the earl of Gloucester, and changes into a purse of gold the paltry present of twelve pennies. Then, having conducted the hero to Dumfries, with the Scottish writers, he adopts the opinion of the English, that the dispute arose respecting the succession to the crown, and therefore introduces Bruce to a council of Scottish nobles most providentially assembled at the very moment, astonishes them with the beauty, the address, and the eloquence of the young patriot, composes for him an elegant harangue, and puts a string of cautious objections into the mouth of Comyn. The assembly breaks up: Bruce, in a fit of indignant patriotism, pursues Comyn, and the murder is perpetrated.—But all this again is fiction!

same nation have proved that in all its circumstances it is liable to strong objections, in many is contradicted by satisfactory evidence. There can be little doubt that it is a fiction, purposely invented to wash the guilt of blood from the character of Robert I., and to justify a transaction, which led to the recovery of Scottish independence.

Edward was rather irritated than alarmed at the intelligence. That so foul a murder could overturn his superiority was an idea which never entered his mind: but, enfeebled as he was by years and disease, he looked forward with reluctance to the possibility of a war. Orders were sent to his lieutenant, Aymer de Valence, ^{Apr.} earl of Pembroke, to chastise the presumption of Bruce; ^{5.} and all the young nobility of England were summoned to receive, in company with prince Edward, the honour ^{Apr.} of knighthood. The more distinguished he admitted ^{6.} into the palace: for the accommodation of the others, ^{May.} tents were erected in the gardens of the Temple; and ^{22.} all received from the royal wardrobe vests of silk, and mantles of purple and gold. The king was too weak to expose himself to the heat caused by the crowd. He knighted his son in the hall of the palace; and the young prince, in the abbey church, conferred the same honour on his two hundred and seventy companions. It was the custom for the new knight to make a vow, the object of which was generally suggested by the circumstances of the time: the vows of chivalry, however, were not taken on the gospels, but, ridiculous as it may appear, in the presence of a peacock, or pheasant, or other bird of beautiful plumage. During the royal banquet, the minstrels placed on the table two swans in nets of gold. The king immediately vowed before God and the swans, that he would revenge the death of Cornyn, and punish the perfidy of the rebels; and then addressing the company, conjured them in the event of his death on the expedition, to keep his body unburied, till they had enabled his son to accom-

plish his vow. The son swore that he would not sleep two nights in the same place till he had entered Scotland to execute his father's commands; the rest applauded his oath, and imitated his example. The next morning the prince, with his knights companions, departed for the borders: Edward himself followed by easy journeys; and his military tenants received writs to join him at Carlisle in the beginning of July*.

Mar. Bruce, by the murder of Comyn, had staked his life:

29. he could save it only by winning a sceptre. He assumed the title of king, summoned the Scots to his standard, and was crowned without any opposition at Scone. When his wife, the daughter of the earl of Ulster, was informed of the coronation, she ventured to express a hope that he, who was a king in summer, might not prove an exile in winter. These words were noticed as a prediction: but it required not the spirit of prophecy to foretell the disasters which attended the first efforts of the new monarch. In the wood of Methuen,

June

19. and the neighbourhood of Perth, six of his bravest knights were made prisoners by Pembroke; and Bruce himself, thrown from his horse, must have shared their lot, had he not been rescued by Seaton. The Grampian hills offered a retreat to the fugitives: the deer of the forest and fish of the stream supplied them with food; if occasionally they descended to the lowlands, they as often returned at the approach of the English; and during two months they wandered like outlaws through Breadalbane and Athole. But their sufferings were lessened by the attentions of their female relatives, who, under the guidance of Nigel, a brother of Bruce, had arrived to share the lot of their fathers, brothers, and husbands. Near the banks of Loch Tay, they were

* West. 433. Trivet. 343. Rym. ii. 1052. Ad. Murim. 37. The king had not forgotten the feudal right of demanding an aid from his tenants on this occasion; but he chose to do it in parliament, which assembled on the 30th of May, and granted him a thirtieth and twentieth. Parl. Writs, 164. 178.

discovered by Alexander lord of Lorn, who had married a Comyn. He summoned his clan: Bruce and his followers were defeated; and it became necessary to separate for their safety. The ladies were conducted on horseback to the castle of Kildrummy: the king, with only two or three companions, proceeded on foot to Loch Lomond, crossed it in a boat, and received an hospitable welcome at the castle of Dunavarty, from the lord of Kintyre. After three days' rest, he embarked in a small ship, steered to the north of Ireland, and in the unfrequented island of Rathlin, buried himself during the winter from the knowledge and the pursuit of his enemies *.

Edward, through weakness, was unable to leave the neighbourhood of Carlisle: but he could attend the deliberations of his council, and issue instructions for the punishment of the prisoners. It was determined that the murderers of Comyn, their abettors and concealers, should be drawn and hanged; that all rebels taken with arms in their hands should be hanged or beheaded; that of those who surrendered, the most dangerous should be imprisoned during the king's pleasure; the rest, with such as had joined the insurgents by compulsion, and the common people, should be punished according to the discretion of the king's lieutenant. In consequence of these orders, a few prisoners were tried, condemned, and executed, among whom the most distinguished were the earl of Athole, Nigel the brother of Bruce, Christopher Seaton, with his brother Alexander, both Englishmen, Simon Fraser, and Herbert de Norham. If we consider these unfortunate men as the champions of freedom, they may demand our pity; but their execution cannot substantiate the charge of cruelty against Edward. Some

* Barbour, 29—61. Ford. xii. 2. West. 455. Heming. 223. The adventures of Bruce are romantic and interesting in Barbour. Fordun bears testimony to his accuracy; but Barbour was a poet, and evidently avails himself of the privilege of his profession.

were murderers: all had repeatedly broken their oaths of fealty, and had been repeatedly admitted to pardon*.

Among the prisoners were three ecclesiastics, the abbot of Scone, and the bishops of St. Andrew's and Glasgow, and most of the females, who had so heroically joined the outlaws in the highlands. The former had been taken in complete armour, and were confined in fetters in separate castles in England. The latter fell into the hands of the king, by the surrender of Kil-drummy, or the violation of the sanctuary at Tain in Ross-shire. To the wife of Bruce Edward assigned his manor of Brustwick for her residence, with an establishment suitable to her rank as countess of Carrick†. Many were dispersed in different convents, and placed under the custody of the nuns. Two, the countess of Buchanan, who in right of her family had placed the crown on the head of Bruce, and his sister Mary, who by her conduct must have merited the distinction, were treated with greater severity. They were confined, the first in the castle of Berwick, the other in that of Roxburgh. At the end of four years Mary was exchanged for nine English prisoners of rank; and about the same time the countess was transferred to a less rigorous confinement in the Carmelite convent in Berwick, from which she was liberated three years afterwards‡.

* Ryley, 510. Trivet, 344, 345. West, 455, 456.

† The king's directions are curious. The bishops were to be confined each in a cell in the tower, every door leading to which was to be kept locked, and the draw-bridge raised. No one was ever to see them besides a valet, a boy, and a chaplain for each, for whose fidelity the sheriff was to be security. New Rymer, 966. With respect to the countess, her establishment was to consist of—1. Two females of the country, of a good age, very sedate, and of approved conduct, one as a companion, the other as a waiting-maid. 2. Two valets of good age and sedate, one belonging to her father the earl of Ulster, the other of the country, to carve for her. 3. A footman "to stay in her chamber, a sober man, and not riotous, to make her bed and do other things fitting for the chamber." 4. A house steward to take care of her keys, pantry, and butlery. Also a cook.—She was moreover to have three greyhounds to hunt in the warren and park, when she wished; as much venison and fish as she wanted; the house she liked best, and liberty to ride to any part of the manor. Rym. ii. 1013, 1014.

‡ See Rot. Scot. i. 85. 87. They were confined in cages; on which account some writers say that they were exposed in cages to the gaze of

About the end of winter the exiles issued from their retreat. Thomas and Alexander Bruce with a body of Irishmen entered Loch Ryan, but were opposed by Duncan Macdowal, made prisoners, and executed at Carlisle. The king was more fortunate than his brothers. He sailed to the coast of Carrick, surprised the English in the vicinity of Turnberry, and hastened for security to the hills and forests. By degrees he was joined by his former vassals, defeated Pembroke, and drove Ralph de Monthermer to the castle of Ayr. He even laid siege to the place, but had the wisdom, at the approach of the English forces, to retire once more to the mountains*.

To Edward the success of his antagonist, trifling as it was, became a continued source of vexation. In July he felt a marked improvement in his health, and ordered the army to advance into Scotland. But the very exertion of mounting on horseback threw him back into his former state of weakness; his progress in four days was confined to six miles; and the next evening he expired at Burgh on the sands, in the sixty-ninth year of his age, and the thirty-fifth of his reign †.

Edward was twice married. His first wife was Eleanor of Castile, daughter of Ferdinand III., and, after the death of her mother, heiress of Ponthieu. Eleanor deserved and possessed the affections of her husband. She is described as elegant in her person, and gentle in her manners; pious, prudent, and charitable; abstaining from all interference in matters of state; and employing her authority to relieve the oppressed, and reconcile those who were at variance. She bore Edward

the people. The contrary is evident from the king's orders. The cage was to be built within one of the turrets of the castle; and no one was to come near it but the woman servant. In each cage was to be the "convenience of a decent chamber." Rym. ii. 1014. The truth is, *cage* meant a cell or room in a prison; and, for the better accommodation of these ladies, their cages were formed by wooden partitions within the walls of the castle.

* Barbour, 92—157. West. 457, 458. Hem. 225. Trivet, 346.

† Rym. ii. 1059.

four sons, and eleven daughters, of whom several died in their infancy, and not more than three are known to have survived their father. Her death happened near Lincoln in 1290. The king suspended his expedition to Scotland, that he might follow the funeral to Westminster, and wherever the corps rested for the night, ordered a magnificent cross to be erected to her memory*. His second wife was Margaret of France, by whom he had a daughter, who died in her infancy, and two sons who survived him.

* Some of these crosses still remain, and are of considerable elegance. His object in these erections was not merely to preserve her memory, but to induce passengers to stop and offer up their prayers for her soul. Wals. 54. In the circular letter which he sent on the occasion to different prelates and abbots, he describes the object of these prayers to be, *ut si quid maculae non purgatæ in ipsa, forsitan oblivionis defectu vel alio modo, remansit, per utilia orationum suffragia, juxta divinæ misericordiæ plenitudinem abstergetur*. Rym. ii. 498.

CHAPTER IV.

EDWARD II.

CONTEMPORARY PRINCES.

<i>Emp. of Ger.</i>	<i>K. of Scotland.</i>	<i>K. of France.</i>	<i>K. of Spain.</i>
Albert 1308	Robert I.	Philip IV. ... 1314	Ferdinand IV.
Henry VII. ... 1313		Louis X. ... 1316	1319
Louis IV.		Philip V. ... 1329	Alphonso XI.
		Charles IV.	

Popes :

Clement V. 1314. John XXII.

Coronation of Edward—Elevation, Exile, and Death of Gaveston—War in Scotland—The Defeat at Bannockburn—Edward Bruce defeated and slain in Ireland—Truce with Scotland—War with the Barons—Loss of Guienne—The Queen makes war on the King—Edward is deposed—And murdered.

Of the six sons of the late king three had preceded him A. D. to the grave. The eldest of the survivors, three-and-^{1307.} twenty years of age, bore the name, but inherited little of the character, of his father. From his childhood he had lived in habits of intimacy with Piers de Gaveston, the son of a gentleman of Guienne, whom Edward had selected for his companion. The two boys grew up together : they partook of the same amusements, and applied to the same exercises ; and a similar taste for dissipation and pleasure, cemented, as they advanced in age, the attachment of their more early years. The king had occasion frequently to reprehend, sometimes to punish, the excesses of the heir-apparent ; and about three months before his death, he made Gaveston abjure the

- kingdom, and exacted from his son a promise upon oath that he would never recall his favourite without the royal consent *. Affairs required the presence of the young prince in London : but before he departed from Carlisle, Edward sent for him to his bedside ; and after giving him such advice as dying kings have often given to their intended successors, told him that of the money in the treasury he had bequeathed thirty-two thousand marks for the service of seven score knights in Palestine ; forbade him, under pain of his paternal malediction, to allow Gaveston to return to England without the previous consent of his parliament ; and commanded him to prosecute the Scottish war, and to carry his dead bones along with the army to the very extremity of Scotland †. Soon afterwards the king died ; and his commands no less than his advice were forgotten. His successor hastened from the capital to the borders ; received at Carlisle the homage of the English, at Dumfries that of the Scottish barons ; and at the head of a gallant army advanced in pursuit of Robert Bruce. But war had few attractions for the young Edward. He halted at Cumnock in Ayrshire ; and, under pretence of making preparations for his marriage and coronation, hastily returned into England.
- Aug. 6. The first object of the new king had been the recall of his favourite, on whom, during his absence, he had conferred the title of earl of Cornwall, with a grant of all the lands which had belonged to Edmund of Almaine, son of Richard, king of the Romans. Gaveston joined him before he left Scotland ; and his arrival was fol-

* Rym. ii. 1043.

† This command is thus mentioned by Froissart :—" He called his eldest son, and made him swear in the presence of all his barons, by the saints, that as soon as he should be dead, he would have his body boiled in a large caldron until the flesh should be separated from the bones ; that he would have the flesh buried, and the bones preserved, and that every time the Scots should rebel against him, he would summon his people, and carry against them the bones of his father ; for he believed most firmly that, as long as his bones should be carried against the Scots, those Scots would never be victorious." Froissart, l. xxv. *Johnes' translation.* There must be much exaggeration in this.

lowed by a total change in the offices of government. The chancellor, the barons of the exchequer, the justices of the different courts were removed; and the treasurer, Langton bishop of Lichfield, who, by refusing to supply money for their pleasures, had formerly incurred the enmity of the prince and his favourite, was stripped of his property, and thrown into prison. In defiance of his father's prohibition, Edward ventured to bury his bones at Westminster, and gave the money destined for the holy war to Gaveston, who was daily loaded with new honours. He was made lord chamberlain, affianced to the king's niece, and, when Edward prepared to sail to France, appointed regent of the kingdom, with all those powers, which the sovereign on such occasions was accustomed to reserve to himself*.

Edward landed at Boulogne, where he found Philip le Bel, king of France. He did homage for Guienne and Ponthieu, and the next day in the presence of four kings and three queens married Isabella, to whom he had been contracted four years before, the daughter of the French monarch, and reputed the most beautiful woman in Europe. A few days were given to feasting and rejoicings: and on his return Edward was accompanied or followed by the two uncles of his bride, and a numerous train of foreign noblemen, whom he had invited to be witnesses of his coronation. On their way they were met by the regent, and the English barons; when, to the general astonishment, the king, neglecting the others, rushed into the arms of his favourite, kissed him, and called him his brother. The coronation was performed with extraordinary magnificence†: but outward expres-

* Rym. iii. 1—4. 11. 49. 53. Heming. 244. Walsing. 95. Lel. Col. i. 248. By several writers the marriage of Gaveston is placed some years later. But the contrary is plain, from the king's grant to Gaveston and Margaret his wife. Rym. iii. 87.

† The following is the oath taken on the occasion:—"Sir, will you grant, and keep, and confirm by your oath, to the people of England, the laws and customs granted to them by the ancient kings of England, your predecessors, righteous and devout to God; and namely, the laws, customs, and franchises, granted to the clergy and people by the glori-

sions of joy accorded ill with the discontent which secretly rankled in the breasts of the more powerful nobles. Not only had the offices at this ceremony been distributed without regard to the claims of inheritance, or the precedents of former reigns; but, what was a general grievance, the place of honour, to carry the crown and walk in the procession immediately before the king, had been allotted to Gaveston, whom they considered Feb. a foreign adventurer. This preference awakened every 28. former prejudice against him. Three days later the barons assembled in the refectory of the monks at Westminster, and sent to Edward a petition for the redress of abuses, and the immediate banishment of the favourite. He promised to return an answer in the parliament to be held after Easter, and in the mean time endeavoured, but in vain, to mollify their resentment. Gaveston was still the sole dispenser of the royal favours: in the splendour of his dress and the number of his retinue he outshone every rival; in different tournaments he had by his good fortune or address unhorsed the earls of Lancaster, Hereford, Pembroke, and Warrenne; and, elated with his own superiority, he continued to despise and ridicule his opponents. These, however, were fixed in their resolution. Their vanity had been too severely mortified to acquiesce in the triumphs and taunts of a man, whom they considered as a foreigner and an upstart. Apr. 26. At the parliament their demands were renewed in terms

"ous king, St. Edward, your predecessor?" "I grant them, and will keep them, and confirm them by oath."

"Sir, will you keep to God, and holy church, and clergy, and people, peace and harmony in God, according to your power?" "I will keep them."

"Sir, will you cause to be observed in all your judgments, equal and right justice and discretion, in mercy and truth, according to your power?" "I will cause it to be observed." "Sir, do you grant that the laws and right customs, which the commonalty of your realm shall have chosen, shall be kept and observed? and will you defend and strengthen them to the honour of God, according to your power?" "I grant it, and promise." *Rolls*, iii. 417. *Stat. of Realm*, i. 168. *New Rymer*, ii. 23. 36. It seems to have been the doctrine of the age, that parliament possessed the right of adding any other conditions which it thought just to the oath. For in the *Rolls* is subjoined the following direction: "adjicianturque prædictis interrogationibus quæ justa fuerint." *Rolls*, *ibid.*

which admitted of neither refusal nor procrastination : letters patent were accordingly issued ; Gaveston himself was compelled to swear that he would never return ; and the bishops pronounced against him the sentence of excommunication, if he should violate his oath. Edward, to console the affliction of his favourite, made him new grants of lands in England and Guienne, wrote in his favour to the pope and king of France, and accompanied him as far as Bristol. There he sailed from England : but his enemies had scarcely time to felicitate themselves on his downfall when, to their surprise and indignation, they learned that he had assumed by royal appointment the government of Ireland*.

In Ireland Gaveston displayed the magnificence of a prince, and distinguished himself in several successful engagements with the natives†. In England the king assembled his parliament, and solicited an aid. In the last year he had obtained a twentieth from the lords and knights, a fifteenth from the citizens and burgesses : the repetition of the request in the present, emboldened the commons to append to their vote of a twenty-fifth the unprecedented demand that their petition for the redress of grievances should be previously granted. This petition deserves the notice of the reader ; because it enumerates those abuses, which for more than a century continued under different modifications to harass and irritate the people. They complained, 1. That the king's purveyors took all kinds of provisions without giving any security for the payment ; 2. That he had imposed additional duties on wine, on cloth, and on other foreign imports, which had raised the price one-third to the consumer ; 3. That by the debasement of the coin the value of all commodities had been advanced ; 4. That the stewards and marshals of the king's household held pleas, which did not fall under their cognizance ; 5. And exer-

* Rym. iii. 63. 80. 87—93. Trokel, 5, 6. Mona. Malm. 99, 100. Moor, 593. Wal. 96. Trivet, Cort. 4. New Rym. ii. 36. Parl. Writs, ii. 74.

† Ann. Hib. apud Cam. ann. 1308, 1309.

cised their authority beyond the verge, that is, a circuit of twelve leagues round the king's person; 6. That no clerks were appointed, as they had been under the last monarch, to receive the petitions of the commons in parliament; 7. That the officers appointed to take articles for the king's use in fairs and markets took more than they ought, and made a profit of the surplus; 8. That in civil suits men were prevented from obtaining their right by writs under the privy seal; 9. That felons eluded the punishment of their crimes by the ease with which charters of pardon were obtained; 10. That the constables of the castles held common pleas at their gates without any authority; and, 11. That the escheators ousted men of their inheritances, though they had appealed to the king's courts. Edward was startled by this remonstrance. He promised to take it into consideration, dismissed the commons, and ordered the lords to attend him three months later at Stamford *.

During the prorogation the great object of the king had been to procure the return of Gaveston, without whose company he appeared to consider life a burden. By condescension and liberality he broke the union of the barons, and attached some of the more powerful to his own party. He had previously solicited the advice and aid of his father-in-law, and had written to the pope in favour of Gaveston. From the king of France he obtained nothing: the pontiff repeatedly exhorted him to live in harmony with his people; and at last absolved Gaveston from his oath, on condition that he should submit to the judgment of the church, and make answer to the charges brought by his enemies. Edward was dissatisfied with this conditional absolution: but his impatience could be no longer controlled: he ordered the favourite to return; flew to Chester to receive him, and conducted him to Stamford. There the prelates and barons had assembled to give their advice respecting the

June
26.

* Rot. Parl. i. 441

petitions of the commons in the preceding session. At July
 their request, he assented to every article, and obtained 30.
 from them in return the grant of a twenty-fifth, and
 what the king probably valued more than the money,
 their consent that Gaveston, whose humility had soothed
 them as much as Edward's concessions, might remain
 in England, "provided he should demean himself pro-
 perly."

But neither the king nor his minion were capable of
 improving from experience. The reign of dissipation re-
 commenced: the court again exhibited a perpetual round
 of feasting, dancing, and merriment; and Gaveston,
 once more in possession of the ascendancy, indulged in
 all his former extravagance, and irritated his adversa-
 ries by his pleasantries and sarcasms*. He was not,
 however, allowed to remain in ignorance of the general
 discontent. He had repeatedly published his intention
 of holding a tournament: none of the great lords would
 accept his invitation. He ordered the necessary arrange-
 ments to be made at Kennington: during the night the
 lists and the scaffolding disappeared. At length the
 exhausted state of the treasury compelled Edward to Oct.
 convoke a council at York: but the principal barons re- 18.
 fused to attend, under the pretence that they were not
 equal to the power, and afraid of the malice of Gaveston.
 The disappointment opened the king's eyes. He pre-Oct.
 vailed on the favourite to withdraw to some secret 26.
 asylum, and called a parliament to meet at Westminster.
 The barons obeyed: but their leaders came attended by A. 11.
 their retainers in arms. It was in vain that Edward 1310.
 issued proclamation on proclamation; that he offered Feb.
 a safe conduct to all; that he appointed four earls to 8.

* He gave nicknames to the principal nobility. Thus "the gentil count
 "Thomas of Lancaster" was sometimes "the old hog," at others "the
 "stage-player;" the earl of Pembroke, "Joseph the Jew;" the earl of
 Gloucester, "the cuckold's bird;" and the earl of Warwick, "the black
 "dog of the wood." Packington, apud Lei. Coll. ii. 461. Wals. 94. 97.
 Writers differ as to the time of his return: but the teste of the writs show
 that the king did not go to Chester before the end of June.



- Mar. keep the peace, and to prevent the access of armed men.
16. He soon found himself completely in their power, and reluctantly consented to the appointment of a committee of peers, who, under the name of ordainers, should regulate the king's household, and redress the grievances
- Mar. 17. of the nation. The archbishop who had resumed the administration of his diocese *, seven bishops, eight earls, and thirteen barons, having received the royal permission to name the committee, signed an instrument, in which they declared that this grant proceeded from the king's free will, that it ought not to be drawn into a precedent against the rights of the crown, and that the powers to be exercised by the ordainers would expire of themselves at the feast of St. Michael in the following
- Mar. 20. year. The committee was then appointed, consisting of seven prelates, eight earls, and six barons, who immediately swore to discharge their office "to the honour of God, the honour and profit of holy church, the honour of their lord the king, the profit of him and his people, according to right and reason, and the oath which he took at his coronation †."

The ordainers sate in the capital. Edward was glad to withdraw from their presence, and summoned his military retainers to follow him into Scotland. Out of ten earls three only joined him; and of these one was Gaveston, whose imprudence was rewarded with new favours. He obtained the royal castle of Nottingham, and was created justiciary of the forests north of the Trent. In Scotland the king penetrated as far as the Forth without finding an enemy. He passed the winter at

A. D. 1311. Berwick, and in the spring ordered Gaveston at the head

* He returned in 1308. During his suspension the pope, with the king's permission, had appointed a receiver of the income of the archbishopric. At his return the whole amount was restored to him. Rym. ii. 1090. Aug. Sac. i. 51.

† Rym. iii. 200. 203. 204. 220. Ryley, 536. Rot. Parl. i. 445. The election was made thus. The bishops chose two earls: all the earls, two bishops, and these four two barons. There were now six elected, who chose fifteen others, so as to make the whole number twenty-one. Parl. Writs, ii. par. 2. p. 27.

of the army to resume the war. The favourite penetrated beyond the Forth, displayed his usual prowess in action, and deserved the praise of a prudent yet enterprising general. But the caution of Bruce allowed him no opportunity of gaining those laurels, which it was hoped would attract the admiration of the people, and silence the tongues of his enemies. The time approached, when it was necessary for Edward to meet his parliament. Gaveston shut himself up in the strong castle of Bamborough in Northumberland *: the king proceeded to London to receive the articles of reform which had at last been framed by the wisdom or the prejudices of the ordainers.

Aug.
8.

On an attentive perusal of these articles the reader will be of opinion that many of them were highly beneficial: but he will find some that trenched on the lawful prerogative of the crown, and will suspect that others were framed for the gratification of private revenge. The first six regarding the rights of the church, the king's peace, the payment of his debts, the farming of the customs, and the observance of the great charter, had been already published with some modifications by the king before he proceeded to Scotland †. The principal of the others were the following: that all grants, which had been made by Edward since he issued the commission, and of course those in favour of Gaveston, should be revoked; and that all which might be subsequently made without the consent of the baronage assembled in parliament, and until the king's debts are paid, should be invalid, and should subject the receiver to such pu-

* Rym. 236. 314. Moor, 593. Heming, 248. Bamborough belonged to the lady Vesey. From a roll in the office of the king's remembrancer it appears that Edward demanded from the several religious houses the aid of carts and horses to convey provisions and ammunition to the army in Scotland. The heads of forty-two houses excused themselves; and twenty of them on the ground of *poverty* and *inability*. Hence it has been very justly inferred that the religious houses could not have been so wealthy as has been generally supposed.

† At Northampton, Aug. 2. See Rot. Parl. i. 446. The customs had of late been farmed by the company of the Frescobaldi of Florence.

nishment as the baronage might award.—That the king should not leave the kingdom, or levy war without the consent of the baronage; and in the case of his absence a guardian should be chosen by the common assent of the baronage in parliament. That all purveyances, except such as were ancient and lawful, should cease, and that those who should presume to take any other might be pursued with hue and cry, and punished on conviction like robbers. That the new taxes on wool, cloth, wine, and other merchandise should be abolished. That all the great officers of the crown, the wardens of the cinque ports, and the governors of the king's foreign possessions, should be chosen with the advice and assent of the baronage in parliament. That the sheriffs should be persons of property sufficient to answer for their conduct; should be chosen by the chancellor, treasurer, and the rest of the council, and in the absence of the chancellor, by the treasurer, barons of the exchequer, and justices of the king's bench, and should receive their commissions under the great seal*. That Gaveston, for having given bad advice to the king, embezzled the public money, formed an association of men sworn to live and die with him against all others, estranged the affections of the sovereign from his liege subjects, and obtained blank charters with the royal seal affixed to them, should be banished for ever from England and all countries appertaining to the crown, should depart before the first day of November, and if he were found within the king's dominions after that day, should be treated as an enemy to the nation. That the lord Henry Beaumont, for having received grants from the king since the issuing of the commission should never more come near the king, unless it were to perform his duty in parliament or in war, and should forfeit his income till he had repaid whatever he might have hitherto

* It was but eleven years since Edward I. had consented that the election of the sheriffs should be made by the counties themselves, "if they chose." Stat. of Realm, i. 139.

received from the aforesaid grants: that his sister the lady Vescy, who had procured these grants, should never more come within the limits of the court, and should restore to the king her castle of Bamborough, which in reality belonged to the crown. And that, to prevent delay in the administration of justice, parliaments should be holden at least once, and, if need should be, oftener than once every year*. To these a few other, but less important articles, were added, regarding appeals, outlawries, and the authority of the marshals and stewards of the king's court. The reader may easily imagine the distress of Edward, when the whole collection was submitted for his approbation. Anxious to retain to its full extent the authority which he had inherited from his father, and still more anxious to preserve his favourite from the sentence of banishment, he objected, complained, and entreated: but the barons were positive and inexorable; and the king after a long struggle consented to sign and publish the ordinances. Previously, Oct 10. however, he solemnly protested, that if any article should prove injurious to the just rights of the crown, or be found to have been unauthorized by the powers given to the commissioners, it should be considered as void, and therefore reserved to himself the right of amending every such article with the advice of the lords ordainers and of his own council†. This protestation

* On account of the importance which has sometimes been attached to this ordinance, I will translate it entirely. "Whereas many persons are delayed of their demands in the king's court, because the opposite party alleges that answer ought not to be made to the demandants out of the king's presence; and whereas many persons are grieved against right by the officers of the king, of which grievances they cannot obtain redress without a common parliament, we ordain that the king hold a parliament once a year, or twice if need be, and in a convenient place; and that in such parliament the pleas that have been delayed as aforesaid, and the pleas in which the judges are of different opinions, shall be recorded and determined; and that in the same manner shall be determined the petitions that have been presented in parliament, as law and reason shall demand." No. 29.

† Rot. Parl. i. 281. 477. Ryley, 530. 541. New Rym. ii. 146. The king's protestation is not on the roll, but its existence is asserted in writs which he afterwards published. I may add that, from the tenor of the ordinances, it is plain that the authority of the parliament was hitherto

sufficiently proved the king's resolution to burst the shackles imposed upon him as soon as he could do it with impunity.

- Nov. Gaveston lingered in the company of Edward till the
 1. day fixed for his departure. They separated in tears. The exile landed in France, passed into Flanders, and presented to the duke and duchess of Brabant the royal letters, recommending him to their protection. As for
 Dec. 18. the king, he first prorogued, afterwards dissolved the parliament and called another; then carefully conceal-
 Dec. 19. ing his intention, retired suddenly into the north, where he found himself less under the control of the barons. A. D. These congratulated themselves that at length they had
 1312. separated him and his favourite for ever: but they
 Jan. 1. quickly learned that Edward and Gaveston had joined each other at York. A royal proclamation followed,
 Jan. 18. stating that the favourite had returned in obedience to the king's orders; that he was a true and loyal subject, and was ready to maintain his innocence against the
 Feb. charges of his accusers. A new grant was made to him
 24. of his former estates and honours*.

- Among the English nobility, the most powerful was Thomas, the grandson of Henry III., who united in his possession the five earldoms of Lancaster, Lincoln, Leicester, Salisbury, and Derby. The confederate barons appointed him their leader, and under the pretence of a tournament, secretly assembled the knights of their party. Edward seems not to have been aware of their
 Mar. design. Instead of seeking to oppose force to force, he
 8. contented himself with issuing commissions, in virtue of his late protest, for the revision of the ordinances†; but was awakened to a sense of his danger by the sudden approach of the earl of Lancaster, who, not finding the
 May king in York, hastened his march towards Newcastle.
 4.

supposed to reside in the baronage, the great council of former reigns. The commons had nothing to do but to present petitions, and to grant money.

* Rym. iii. 287, 298, 299, 304, 308. Trokel. 2. Wals. 98.

† Ryley, Plac. 530. Rot. Parl. i. 447. Parl. Writs, ii. App. 48.

Edward had time to evacuate the place a few hours before the arrival of the barons. He fled to Tynemouth, May disregarded the tears and entreaties of his wife, embarked with Gaveston on board a vessel, and landed in safety at Scarborough. The favourite, for greater security, remained in the castle; the king repaired to York, and unfurled the royal banner. Lancaster did not visit the queen at Tynemouth, lest it might exasperate the king against his consort; but having sent her a letter of compliment and condolence, retraced his steps, encamped between York and Scarborough, and commissioned the earls of Surrey and Pembroke to lay siege to the castle. It was in vain that Edward sent them a mandate to retire. The unfortunate Gaveston May finding the place untenable, surrendered with the king's consent to the earl of Pembroke, on condition, that if no accommodation were effected before the first of August, he should be reinstated in the possession of Scarborough. 17. It had been agreed that the prisoner should be confined in his own castle of Wallingford; and the earl and the lord Henry Percy bound themselves for his safety to the king, under the forfeiture of their lands, limbs, and lives. From Scarborough Gaveston proceeded under their protection towards Wallingford: at Dedington Pembroke left him in the custody of his servants, and departed to spend the night with his countess in the neighbourhood. The captive retired to rest without any suspicion of danger: but "the black dog had sworn" that the favourite should feel his teeth;" and before dawn he received a peremptory order to dress himself, and leave his chamber. At the gate, instead of his former guards, he found to his astonishment his enemy, the earl of Warwick, with a numerous force. He was immediately placed on a mule, and conducted to the castle of Warwick, where his arrival was announced by martial music, and shouts of triumph. There the chiefs of the party sate in council over the fate of their prisoner. To a proposal to save his life, a voice replied,

“you have caught the fox: if you let him go, you will “have to hunt him again:” and it was ultimately resolved to disregard the capitulation, and to put him to death, in conformity with one of the ordinances. When his doom was announced, Gaveston threw himself at the feet of the earl of Lancaster, and implored, but in vain, the pity and protection of his “gentle lord.”

June 19. He was hurried to Blacklow-hill (now Gaversike), and beheaded in the presence of the earls of Lancaster, Hereford, and Surrey. The intelligence of his murder was received throughout the nation with astonishment and dismay. The annals of the kingdom furnished no similar execution since the conquest. By the perpetrators themselves it was deemed a hazardous experiment; and on that account the victim had been conveyed to a spot within the jurisdiction of the earl of Lancaster, whose greater power and relationship to the king appeared to screen him from danger. But they were disappointed. The blood of Gaveston was afterwards avenged with the blood of his persecutor*.

The first news of this event threw the king into the most violent transports of grief, which gradually subsided into a fixed purpose of revenge. He had gone from York to Berwick; but immediately returned towards the capital, and was joined on his way by the earl of Pembroke. The conduct of that nobleman was open to much suspicion. It was generally believed that, as he had granted the capitulation to Gaveston, without consulting the confederates, so, in order to satisfy them without exposing his own honour, he had purposely allowed his castle at Dedington to be forced by the earl of Warwick. He succeeded, however, in convincing the king of his innocence; and proved his assertion by

* Rym. iii. 327, 328, 334. Mon. Malm. 121—124. Trokel. 13—17. Wals. 100, 101. Gaveston's body was buried by the friars in their church in Oxford; it was afterwards removed by the king, and interred in the new church at Langley. Edward placed with his own hands two palls of cloth of gold on his tomb, at the second interment, 31 Jan. 1325. Wardrobe account of that year; Knyght. 2532. Lel. Coll. i. 248.

his subsequent attachment to the royal interests. Edward, on his way to London, summoned a parliament, solicited succours from France, and assembled a considerable body of forces. But the advance of the barons to Ware, and the resolute tone in which they made their demands, induced him to listen to the pacific exhortations of the cardinal of St. Prisca, legate of the pope, and of the envoys of the king of France; and the birth of a son and heir, which fortunately happened at the same time, seemed almost to obliterate from his mind the untimely fate of his favourite. Conferences were held between the deputies of the king and of the barons, in the presence of the foreign ministers; and a form of reconciliation was unanimously adopted, subject to the approbation of the earl of Lancaster and his chief associates, who were absent *. One article was soon fulfilled, the surrender to the king of the plate and jewels which had belonged to Gaveston †. But the associated barons, for their own security, demanded that he should be declared a traitor; a demand which Edward spurned with indignation. Two parliaments were summoned to ratify the treaty: but from the first the principal agents in the murder were detained by their apprehensions; and they departed from the second on pretence of the king's absence, who had gone to France, and did not return till a week after the opening of the session. At length every difficulty was surmounted. Edward seated himself on his throne in Westminster hall; the barons on their knees expressed their sorrow for having given him offence; a general amnesty was proclaimed; and the next day more than five hundred particular pardons were issued to the noblemen and knights who had been concerned in the confederacy ‡.

* Soon afterwards, on the 11th of May, died archbishop Winchelsea, the great adviser of the barons in this, as he had been in the last reign Ipsius Roberti hortatu. Higden apud Brady, iii. 119.

† We may judge of the wealth of Gaveston from his plate and jewels, the inventory of which fills five pages in Rymer, iii. 388—393.

‡ Rymer, iii. 404. 428. 442—449. Mon. Malm. 125—134. Wals. 102, 103. At

It is now time to return to the affairs of Scotland. While Edward had been contending for a favourite, he had contrived to lose a crown. The ease with which the late king had repeatedly overrun Scotland encouraged a persuasion that the natives could never withstand the superior power of England; and the slow but constant progress of Bruce was viewed with indifference or contempt. Once, indeed, Edward, and afterwards Gaveston by his orders, had crossed the frontiers; but the Scottish king had cautiously retired before them; and both returned to England almost without seeing an enemy. In the mean time the fortresses, which commanded the country, fell in succession into the hands of the natives. The castle of Linlithgow is said to have been won by the artifice of a peasant named William Binnock. He concealed in a load of hay a few armed men, who, when the waggon entered the gate, mastered the guard, and kept possession till they were joined by their countrymen*. Perth was surprised at night by Bruce himself. He waded through the ditch with a ladder on his shoulders, and was the second man who mounted the wall†. Roxburgh was taken by escalade, while the garrison indulged in the excesses of the carnival‡. The castle of Edinburgh was the last which yielded. At midnight Randolph earl of Moray, with thirty companions, climbed up the rock: the alarm was given; the governor, who hastened to the spot, fell in the onset, and his men surrendered to the assailants§. Alarmed by these losses, the Scots who still adhered to the English solicited assistance, and the inhabitants of the three northern counties complained that they were abandoned by the king to the predatory incursions of their neighbours. At length

A. D.
1312.
Jan.
8.

A. D.
1313.
Feb.
28.

Mar.
14.

the same time an act of indemnity was also passed in favour of those who had been the adherents of Gaveston. Stat. 7 Edw. II. St. 1.

* Barb. 199.

† Ford. xii. 18. Barb. 180.

‡ Barb. 205. Ford. xii. 19.

§ Ford. xii. 19. Barb. 211. Lol. Coll. ii. 546.

the news arrived that Mowbray governor of Stirling ^{A. D.} had consented to surrender that important fortress, if ^{1314.} it were not relieved before the feast of St. John the Baptist. Edward, apparently at peace with his own subjects, judged the opportunity favourable for an expedition into Scotland. He summoned his military ^{May} tenants to meet him at Berwick, ordered levies of foot ^{27.} soldiers in Wales and the northern counties of England, and demanded aid from the chiefs of the Irish septa. But all his projects were thwarted by civil dissension. In repeated conferences, which lasted seven weeks, the ordinances were defended by the barons, and opposed by the king: the clergy of both provinces refused an aid; and the earls of Lancaster, Surrey, Warwick, and Arundel, and probably many others influenced by their example, disobeyed the summons. A week before the ^{June} day fixed for the surrender of Stirling, Edward marched ^{18.} from Berwick, and though the army was encumbered by a long train of provision waggons and military engines, reached the neighbourhood on the eve of the festival*. Bruce had employed the time in making preparations for the combat. His army, consisting of thirty thousand picked men, stretched from the burn of Bannock on the right, to the neighbourhood of the castle on the left†; and was protected in front by nar-

* It is impossible to ascertain the number of Edward's army. By Fordun it is ridiculously multiplied to 340,000 horse, and an equal number of foot. But the verses which he cites as his authority may have a different meaning. Ford. xii. 21. As the most powerful earls did not attend (Wals. 104), and as some others were excused by the royal writs (Rym. iii. 476), it is probable that the cavalry was not as numerous as usual. The Irish do not appear to have arrived. The infantry summoned by writs to the sheriffs amounted to 21,540 men. Rym. iii. 431. Lord Hailes, in opposition to Hume, observes that these footmen were furnished by twelve counties and a few lords; and that if all the counties and barons in England furnished their quotas in equal proportion, the army must have amounted to an immense number (Annals, ii. 41). But there is no evidence that they did so. The counties in question furnished 14,500 men, because they lay nearest to the enemy: the remaining 7040 were required from Wales, and the marches of Wales, because the king wanted men accustomed to fight in forests and on mountains, and "able to drive the enemy" *"a locis fortibus et morosis, ubi equitibus difficilis patebit accessus."* Rym. iii. 481.

† Most writers describe the Scots as lying with their front to the south,

row pits dug in the ground, and concealed by hurdles covered with sods, sufficiently strong to bear a man on foot, and sufficiently weak to sink under the weight of an armed knight on horseback. Douglas and the Stewart commanded the centre; Edward Bruce took charge of the right, and Randolph of the left wing. The men of Argyle, of Carrick, and of the isles, composed a body of reserve; and at a distance in a valley lay fifteen thousand followers of the army, whom the king dared not bring into the field, but whom he instructed to show themselves in the heat of the conflict as a new army hastening to the aid of their countrymen *.

On the eve of the battle a warm action occurred between the advanced parties of the two armies, and terminated in favour of the Scots. Bruce with his battle-axe clove the scull of Henry de Bohun, a distinguished knight; and his followers hailed the prowess of their sovereign as an omen of victory. At daybreak they gathered round an eminence, on which Maurice abbot of Inchaffray celebrated mass, and harangued his hearers on the duty of fighting for the liberty of their country. At the close of his discourse they answered with a loud shout; and the abbot, barefoot, with a crucifix in his hand, marched before them to the field of battle. As soon as they were formed, he again addressed them, and, as he prayed, they all fell on their knees. "They kneel," exclaimed some of the English; "they beg for mercy."—"Do not deceive yourselves," replied Ingelram de Umfraville; "they beg for mercy; but it is only from God †."

From the discordant accounts of the Scottish and English writers it is difficult to collect the particulars of the battle. The Scots, with very few exceptions,

and Stirling behind them. I have followed lord Hailes, who decided from his own inspection of the ground (ii. 42). It should, however, be observed, that Moor gives the very same position to the English. They fought with the morning sun in their eyes: had they waited till noon, it would have been on their right. Moor, 594.

* Ford. cura Goodall, p. 256. not.

† Ford. xi. 21.

fought on foot, armed with battle-axes and spears. The king appeared in their front, and bore the same weapons as his subjects. The attack was made by the infantry and archers of the English army; and so fierce was the shock, so obstinate the resistance, that the result long remained doubtful. Bruce was compelled to call his reserve into the line; and as a last resource to order a small body of men at arms to attack the archers in flank. This movement decided the fate of the English infantry. They fled in confusion; and the knights with the earl of Gloucester at their head rushed forward to renew the conflict. But their horses were entangled in the pits*; the riders were thrown; and the timely appearance of the Scots who had been stationed in the valley scattered dismay through the ranks of the English†. Edward, who was not deficient in personal bravery, spurred on his charger to partake in the battle; but the earl of Pembroke wisely interposed, and led him to a distance. Giles d'Argentyr, a renowned knight, had hitherto been charged with the defence of the royal person: now, seeing the king out of danger, he bade him farewell, and turning his horse, rode back to the enemy. He cried "An Argentyr," rushed into the hottest part of the fight, and soon met with that death which he sought‡.

It was in the full confidence of victory that Edward had hastened to Bannock-burn: he fled from it with a party of Scottish cavalry at his heels; nor did he dare to halt, till the earl of March admitted him within the walls of Dunbar, whence he proceeded by sea to England. His privy seal and treasures, with the military engines, and provisions for the army, fell into the hands of the conquerors§. The number of those who

* Though Barbour is silent, the fact of many being destroyed in the pits is mentioned by Fordun, xii. 20, and Moor, 594.

† Quibus ab Anglicis visis, putabant eos fuisse exercitum qui Anglos ita stupidos, et hærentes reddidit, &c. Ford. p. 256.

‡ Walsing. 195. Moor, 594. Lel. ii. 547. Mon. Malm. 149, 150.

§ I shall transcribe the description in Fordun. Boum armenta, gre-

were slain in battle was not great: but the fugitives, without a leader or a place of retreat, wandered over the country; and, if the lives of the knights and esquires were preserved for the sake of ransom, the less precious blood of the footmen was shed without mercy. Bruce behaved to his prisoners with kindness; and in exchange for the earl of Hereford obtained the release of his wife, sister, and daughter, and of the bishop of Glasgow and the earl of Mar*. He thought it a favourable moment Sept. to propose a treaty between the two nations; but when 18. Edward refused him the title of king, the indignant Scot put an end to the negotiation, called his parliament, and proceeded to settle the succession†. His only child was an unmarried daughter called Marjory; and, to avoid the dangers, which in the present circumstances might attend the reign of a female, it was ordained, with her consent, that if the king died without leaving a son, the crown should go to his brother Edward Bruce, and the heirs male of *his* body, failing whom, it should revert to Marjory and her descendants‡.

A. D.
1315.
Apr.
26.

But the Scots were not content with asserting their own independence; they undertook to free Ireland

gesque ovium et porcorum, frumentum et hordeum cum molendinis portatilibus, et vinum in dolis atque cadiferreis . . . cum petrariis et lignaibus, trabiculis et mangonellis, scalis et ingeniis, pavilionibus et canopeis, fundis et bombardis, cæterisque bellicis machinis. Ford. xii. 21. Other manuscripts add *tribuchetis et arietibus*, p. 249.

* Rym. iii. 438. 496. The sister of Bruce now liberated was Christina, relict of Christopher Seaton. His sister Mary had been released from her cage in the castle of Roxburgh, and exchanged for Walter Comyn, as early as the year 1310. Rym. iii. 204. Even the Countess of Buchan, after having kept her cage seven years, had been taken out, and put under the charge of the lord Beaumont, in April, 1313. Rym. iii. 401.—I should mention, that among the prisoners was Baaton, a carmelite friar, and a professed poet. Edward had compelled him to attend the battle, that he might celebrate his victory: Bruce compelled him, now that he was a captive, to sing the defeat. His poem, and a most singular poem it is, may be seen in Fordun, xii. 22.

† Rym. 495. Edward's commissioners were furnished with two sets of powers. In one the king was said to have taken this step in consequence of the ardent wish for peace expressed by Bruce in a letter to him: in the other, that it was to please his father and ally the king of France, who had requested the favour. In each Bruce and his adherents were styled Sir Robert de Brus, et les gentz d'Ecosse, à qui nous avons guerre. Rot. Scot. i. 132. 3.

‡ Fordun, xii. 34.

from the English yoke. That island was now divided between two races of men, of different language, habits, and laws, and animated with the most deadly hatred towards each other. The more wild and mountainous districts, and the larger portions of Connaught and Ulster, were occupied by the natives: the English had established themselves along the eastern and southern coasts, and in all the principal cities and towns. By the English we are to understand an aggregate mass of adventurers from different countries, from England, Wales, and Guienne; men, or the descendants of men, of desperate fortunes at home, who had depended on their swords to carve for themselves new fortunes abroad. They professed fealty to the English crown: but their fealty was a mere sound. Since the expedition of John, they had seen no sovereign among them; and the severity with which *he* had punished their transgressions had been quickly forgotten. At a distance from the court, and in what was deemed a foreign island, they despised the authority of the sovereign; and within the walls of their castles set at defiance the severity of the law*. At pleasure they levied war on each other, or on the natives: family feuds were transmitted from father to son; and, except in the vicinity of Dublin, the seat of provincial government, the "pale" was divided among a multitude of petty tyrants, who knew no other law than their own interests, and united to the advantages of partial civilization the ferocity of savages. Conscious that they were the original aggressors, they looked on the natives as natural enemies. Those within the pale they reduced to a state of the most abject villanage: those without they harassed with military expeditions. But their aggressions were requited by the resentment of the sufferers; and the necessity of self-

* Rym. i. 391. ii. 1061, 1062. In the last instance Fitzwarin, the king's steward in Ulster, had distrained the lands of the Mandevilles for the king's dues. In revenge they collected an army, entered the royal demesne, and burnt five townships, three mills, and two thousand measures of corn.

preservation generated a spirit of the most implacable revenge. All Irishmen were included under the sweeping denomination of enemies and robbers: the murder of a native was not considered a crime punishable by law; and the man who had inflicted the most cruel injury on the neighbouring septs was the most distinguished among his fellows*.

On the other side, the descendants of the original inhabitants were equally lawless, and equally vindictive. In the annals of Ireland we find them perpetually engaged in dissension and warfare. Sometimes they are fighting among themselves, sometimes against their oppressors. Occasionally we see them purchasing the aid of the English, that they may revenge themselves on their own countrymen; occasionally marching under the banners of an English baron, to invade the domains of his neighbour†. But whatever cause summoned them to arms, their steps might be traced by the desolation which they had wrought, and their victories were always celebrated with murder and conflagration. In short, the appetite for human blood, the hope and pursuit of vengeance, were equally keen in the native and the stranger; and each was actuated by the conviction that the destruction of the other was essential to his own safety.

When Edward before his expedition into Scotland had ordered his vassals to meet him at Berwick, he had also written to his "beloved," the chiefs of the Irish septs, requesting them to accompany De Bourgh the earl of Ulster, who had been commanded to lead

* See Fordun, xii. 28, 29, 30. On this account Irishmen frequently procured from the king charters, investing them with the character and the rights of Englishmen. To some these grants were made only for life: often they extended to whole septs and their posterity for ever, as to 300 MacOters, 400 MacGothmunds, &c. The motive on the part of the king was profit: quod est ad commodum regia. See petit. in Parl. 18. Ed. i. p. 68, 69. 125. 127. New Rym. ii. 86.

† In the instance mentioned above, two Irish kings aided the Mandevilles, and six the steward. They ended by turning their arms against each other. Rym. ii. 1062.

an army to his assistance*. This request was neglected. By the Irish the efforts of the Scots were viewed with a kindred feeling. The patriots were fighting against the same nation, by which *they* had been so cruelly oppressed. They were of the same lineage, spoke a dialect of the same tongue, and retained, in many respects, the same national institutions†. When intelligence arrived of the victory at Bannock-burn, it was received with enthusiasm, and the conviction that the English were not invincible awakened a hope that Ireland might recover her independence. Edward discovered that an active correspondence was carried on between the men of Ulster and the court of Bruce. Alarmed for the safety of his Irish dominions, he de-
 spatched the escheator, the lord Ufford, with instructions to treat with the native chieftains, the tenants of the crown, and the corporations of the boroughs‡: but, before that nobleman could execute his commission, Edward Bruce, the brother of the king of Scots, with
 an army of six thousand men, had landed in the neigh-
 bourhood of Carrickfergus. He was immediately joined
 by the O'Nials, who directed his march. They burnt
 Dundalk : the greater part of Louth was laid de-
 solate; and at Atherdee the inhabitants, men, women, and children, who had crowded into the church, perished in the flames. But the approach of Butler the lord deputy§, and of the earl of Ulster, warned the confederates to return. They retired to Conyers, left their

Mar.

14.

May

25.

June

29.

* Rym. iii. 476. It is plain from the difference between this letter and the usual summons to vassals that none of the Irish chieftains had sworn fealty to him. He does not give the title of king to any; but that of dux to twenty-six.

† Omnes reges minoris Scotiæ de nostra majore Scotia sanguinis originem sumpserunt, linguam nostram et conditiones nostras quodammodo retinentes. Irish memorial, apud Ford. xii. 32.

‡ Rym. iii. 510. It appears there were four towns, governed by mayors, Dublin, Waterford, Cork, and Ross; and three royal burghs, with a reeve and bailiffs, Kilkenny, Drogheda, and Trim. The other towns in Ireland belonged to their respective lords.

§ I adopt this term, as more familiar: the original title is justiciary.

banners flying in their camp, and making a short circuit, fell on the rear of their pursuers. A fierce encounter took place: but the English were dispersed, and Bruce, continuing his retreat, despatched the earl of Moray to Scotland for reinforcements*.

During this interval a new envoy arrived from Edward, John de Hotham, afterwards bishop of Ely, invested with extraordinary powers, to reconcile the barons, and to treat with the natives†. The dissensions of the barons had prevented them from uniting their forces: some of them were even accused of having invited the Scots; several were privately suspected of corresponding with Bruce. With much difficulty Hotham formed an association among the tenants of the crown, who bound themselves under the penalty of forfeiture to aid each other to the utmost in their efforts against the common enemy‡. With the chiefs of the natives he was less successful. They detailed to him the history of their grievances, and complained that it was the policy of their oppressors to raise an insuperable barrier between them and the throne. They offered, however, to hold the lands, to which they laid claim, immediately of the king, provided they might enjoy the advantage of the English laws, or to make him the umpire between themselves and his barons, and to submit to such demarcation of their respective possessions as he in his wisdom should deem just. To these proposals they never received, probably did not wait to receive, an answer§; for Bruce had now obtained a reinforcement from Scotland: he penetrated as far as Kildare, defeated the English at Arscoll in that county, and as he returned, obtained a second victory at Kenlys in Meath. His presence animated the Irish of Leinster. The O'Tooles, O'Briens, O'Carrolls, and Archbolds, were instantly in arms: Arklow, Newcastle, and Bree, were

* Annal. Hib. apud Camd. ann. 1315.

† Rym. iii. 547. Annal. Hib. ann. 1315.

‡ Rym. iii. 432.

§ Apud Ford. xii. 31.

burnt; and the open country presented one continued scene of anarchy and devastation*.

It is probable that in these inroads the Scots suffered many severe losses. They returned to their former quarters in Ulster, and sent again to Scotland for succours. But at the same time a treaty was concluded between Edward Bruce and Donald O'Nial, called in Edward's writs prince of Tyrone, but who styled himself hereditary monarch of Ireland. By letters patent the rights of O'Nial were transferred to Bruce, who was immediately crowned, and entered on the exercise of the regal power†. But his inactivity abandoned to destruction the different septs that had joined him during his late expedition. Two hundred of the natives perished under O'Hanlan at Dundalk: three hundred were slain in Munster; four hundred fell in a battle at Tullagh; and eight hundred heads of the O'Moores were sent by the lord deputy to Dublin as the proof of his victory. From these losses Ireland might have risen: but her hopes were extinguished in the sanguinary field of Athenree, where Phelim O'Connor, the king of Connaught, attacked the lord Richard Birmingham. The natives, in a confused mass, rushed on a resolute and disciplined enemy: the battle or slaughter lasted from dawn till sunset; and among eleven thousand dead bodies were found those of Phelim himself, and of twenty-nine subordinate chieftains of the same name. The sept of the O'Connors was nearly extinguished‡.

May
2.

Aug.
10.

To balance the exultation caused by this victory, intelligence was brought to Dublin that Robert Bruce the king of Scotland had landed with a numerous army in Ulster. The garrison of Carrickfergus, after a most obstinate defence, was compelled to surrender. The two brothers, at the head of twenty thousand men,

Sept.
12.
A. D.
1317

* Annal. Hib. ann. 1315.

† Apud Ford. xii. 33.

‡ Annal. Hib. ann. 1316.

- Jan. Scots and Irish, advanced into the more southern counties ; and the citizens of Dublin were compelled to burn the suburbs for their own protection. But the Scots, unprepared to besiege the place, ravaged the country.
1. They successively encamped at Leixlip, Naas, and Mar. Callen ; and at last penetrated as far as the vicinity of Limerick. But it was the depth of winter : numbers perished through want, fatigue, and the inclemency of the season ; and the English had assembled an army
12. at Kilkenny to intercept their return. With difficulty
31. the Bruces eluded the vigilance of the enemy, and retired by Cashel, Kildare, and Trim, into Ulster. It is
- May 1. not easy to assign the reason of this romantic expedition, undertaken at such a season, and without any prospect of permanent conquest. To the Scots it was more destructive than a defeat ; and Robert Bruce, dissatisfied with his Irish expedition, hastened back to his native dominions *.

But notwithstanding the severe defeats, which the natives had suffered, the flame of patriotism was kept alive by the exhortations of many among the clergy. The English government complained of their conduct to the papal court ; and John XXII. commissioned the archbishops of Dublin and Cashel to admonish those who fomented the rebellion, and to excommunicate all who should persist in their disobedience. This commission created a deep sensation among the septs. A justification of their conduct was signed by O'Nial and the majority of the chieftains ; and the memorial was transmitted to the cardinals Joscelin and Fieschi, legates in Scotland, to be forwarded through them to the pontiff. This important instrument begins by stating, that during forty centuries Ireland had been governed by its own monarchs of the race of Milesius, till the year 1170, when Adrian IV. an Englishman, conferred against all manner of right the sovereignty

* Annal. Hib. ann. 1316, 1317.

of the island on Henry II. the murderer of St. Thomas, whom, for that very crime, he ought rather to have deprived of his own crown*; that since that period perpetual warfare had raged between the Irish and English, to the destruction of at least fifty thousand individuals on each side; and that the latter had gradually established their dominion over the fairest portion of the island, while the former were still compelled to fight for the bogs and mountains, the only possessions which remained to them in their native land. After this introduction, it argues that the original grant is become void, because none of the conditions on which it was made have been fulfilled. Henry had promised for himself and his successors to protect the church, and yet they had despoiled it of one half of its possessions; to establish good laws, and they had enacted others repugnant to every notion of justice†; to extirpate the vices of the natives, and they had introduced among them a race of men more wicked than existed in any other country upon earth; men whose rapacity was insatiable; who employed indifferently force or treachery to effect their purposes; and who publicly taught that the murder of an Irishman was not a crime‡. It was to free themselves from the oppression of these tyrants that they had taken up arms: they were not rebels to

* We may excuse the four thousand years attributed to the succession of their kings: but it is singular that they were not aware of the anachronism in making Adrian live after the murder of the archbishop, though he died twelve years before it.

† The laws of which they chiefly complained are, 1. That though the king's courts were open to every man, who brought an action against an Irishman, yet, if a native were the plaintiff, the very fact of his birth was allowed to be an effectual bar to his claim: 2. That if an Irishman was murdered, whatever were his rank in the church or state, no court would undertake to punish the murderer: 3. That no widow, if she were a native, was admitted to the claim of dower: and, 4. That the last wills of the natives were declared void, and their property disposed of according to the will of their lords. Ford. xii. 28.

‡ In support of this charge they produce four instances of treachery and murder. Ford. xii. 29, 30. We should, however, recollect that they are the accusations of an enemy. Three of them are mentioned in the annals, but without any notice either of the causes, or the real authors. *Annal. ad ann. 1277. 1282. 1305.*

the king of England, for they had never sworn fealty to him: they were freemen waging mortal war against their foes; and for their own protection they had chosen Edward de Bruce, earl of Carrick, for their sovereign. They concluded with expressing a hope that the pontiff would approve of their conduct, and would forbid the king of England and his subjects to molest them for the future*. This memorial appears to have made a deep impression on the mind of John, who both wrote to the king†, and commissioned his legates to speak to him in favour of the Irish. Urged by their repeated remonstrances Edward attempted to justify himself by declaring, that if they had been oppressed, it was without his knowledge, and contrary to his intention; and promised that he would take them under his protection, and make it his care that they should be treated with lenity and justice‡.

A. D. 1318 This promise was hardly given before the war in Ireland was terminated. Sir Roger Mortimer had been intrusted with the government, and during the year of his administration, though it was not distinguished by any signal victory, he had gradually confirmed the superiority of the English. The barons accused of favouring the Scots, particularly the Lacies, were attainted; the earl of Ulster, who had been imprisoned by the officious loyalty of the citizens of Dublin, was released; and the O'Briens and Archbolds were received to the king's peace. The men of Connaught by their dissensions aided the cause of their enemies; and no less than eight thousand of them are said to have perished in civil war. Soon after the departure of Mortimer, Edward Bruce advanced to the neighbourhood of Dundalk. He was Oct. 14. met by John lord Birmingham, and fell in battle with the greater part of his forces. His quarters were sent, as those of a traitor, to the four principal towns; and his head was presented by the conqueror to Edward,

* See Fordun, xii. 26—32.

† Bullar. tom. i. Joan. XXII. const. iv.

‡ Rym. iii. 727, 728.

from whom he received the dignity and emoluments of earl of Louth*. With Bruce fell the hopes of the Irish patriots: the ascendancy of the English was restored; and the ancient system of depredation and revenge universally revived. The king's attention, had, however, been directed to the state of Ireland by a petition presented to him in parliament, stating that, to establish tranquillity, it was requisite to abolish charters of pardon for murders perpetrated by Englishmen, and that the natives, admitted to the benefit of the English law, should fully enjoy the legal protection of life and limb. Both points were granted: and it was afterwards provided that no royal officer should acquire lands within the extent of his jurisdiction, or levy purveyance, unless it were in case of necessity, with the permission of the council, and under a writ from the chancery†.

Not to interrupt the chain of events, I have conducted the Irish war to its termination by the fall of Edward Bruce: we may now revert to the concerns of England, where the people had forgotten the disastrous battle of Bannock-burn amid the more dreadful calamities which oppressed them. For three years they groaned under the two most direful scourges that can afflict the human race, pestilence and famine. The deficiency of the harvest in 1314 had created an alarm; and the merchants of Newcastle, and probably those of the other ports, obtained the royal license to purchase corn in France, and import it into England. But the supply was so scanty, that the king, at the request of parliament, which assembled in February, fixed a maximum on the price of provisions. This measure was of no avail. In defiance of the statute the price of every article rapidly advanced: wheat, pease, and beans were sold at twenty shillings the quarter; and even the king's family found

A. D.
1319.
May
20.

A. D.
1318
Oct.

A. D.
1315.

* Annal. Hib. ann. 1318. Rym. iii. 767. New Rym. ii. 397. "He was slayn by his owne wilfulness, that wold not tary for his ful company, that were almost at hand." Lel. Coll. ii. 547.

† Rot. Parl. i. 386. Ryley, 569, 574.

it difficult on some occasions to procure bread for the table. Unfortunately the following season was preternaturally wet and stormy; so that the more early crops were damaged by the rain, the others never ripened at all, and before Christmas the scarcity of the preceding year had been doubled. To add to the calamity, a pestilential disease raged among the cattle; and the want of nourishment, and the insalubrity of the food, produced dysenteries and other epidemic disorders among the A. D. people. The parliament, convinced by experience of its
 1316. error, repealed the maximum*; and the king, at the
 Feb. suggestion of the citizens of London, suspended the
 14. breweries, as a measure "without which not only the
 "indigent but the middle classes must inevitably have
 "perished through want of food." Still the prices continued to advance till the quarter of wheat sold for ten times its usual value; and the poor were reduced to feed on roots, horses, dogs, and the most loathsome animals. Even instances are recorded, which for the honour of human nature we may hope to be untrue, of men eating the dead bodies of their companions, and parents those of their children †.

The continuance of the calamity had taught the most extravagant to economise their resources. Many expelled from their castles the crowds of domestics and dependants, with whom they usually swarmed; and these unfortunate men, without the lawful means of support, were necessitated to live by the plunder of their former patrons, or of their inoffensive neighbours. Every county was infested with bands of robbers, whose desperate rapacity was not to be checked by the terrors or the punishments of the law. The inhabitants were forced to combine for their own protection; association was opposed to association; summary vengeance was inflicted by each party; and the whole country pre-

* Rot. Parl. i. 351.

† Wals. 107, 108. Trokel. 37. Mon. Malma. 166.

sented one great theatre of rapine, anarchy, and bloodshed*.

During this period of unexampled distress the Scots, emboldened by their late victory, and the timidity of their enemies, repeatedly poured over the borders, and ravaged with impunity the northern counties. On the eastern coast they pushed their depredations as far as the Humber, on the western as far as the river Lune. The attempts of the inhabitants to stop the progress of the plunderers invariably ended in their own destruction; and those were the most fortunate who were able to purchase with large sums of money the forbearance of the invaders†. Every project of defence or revenge formed by the king's council was defeated by the dissensions between him and the principal barons. Both obstinately persisted, they in demanding, he in refusing the execution of the "ordinances." If he summoned them to attend their duty in parliament, or to accompany him against the Scots, they constantly alleged that, till the ordinances were enforced, their presence might be attended with consequences fatal to themselves. Occasionally, yielding to the pressure of circumstances, Feb. Edward seemed to acquiesce: during the parliament at 17. Lincoln the earl of Lancaster was placed at the head of the administration;‡ and the barons flattered themselves that they had carried their favourite measure. But the king as often seized the first opportunity to emancipate himself from the dominion of his subjects; and always found among his nobility persons willing to link their own fortune to that of their sovereign. The two parties viewed each other with distrust and aversion even

* Wals. 107. 109.

† The inhabitants of the bishopric paid 1600 marks, and the next year the burgesses of Ripon 1000. Abbrev. Placit. 336. Rot. 60.

‡ In 1316, March 3, the earl accepted the presidency of the council on three conditions: that he should be allowed to resign, if the king refused to follow his advice; that nothing of consequence should be done till he had been consulted; and that unprofitable counsellors should be removed from time to time by authority of parliament. These terms were entered at his demand on the rolls. Rot. Parl. i. 352.

when they lived in apparent harmony, their real animosity was only smothered for the occasion; and the most trifling accident, a lawsuit or a private quarrel, would rekindle it into more than its former fury. Each accused the other of a clandestine alliance with the king of Scots. Lancaster pretended that by intercepting a messenger he had obtained possession of the original instrument signed by Edward himself. It is difficult to believe that any one could be deceived by so palpable a falsehood. The royalists retorted the charge, and clothed their assertions with so much probability, that the earl thought it necessary to offer wager of battle to any man who should dare to renew the accusation.

If the king of Scotland relied on these dissensions for the security of his own kingdom, when he sailed to the assistance of his brother in Ireland, his hopes were not disappointed. Edward hastened to York; made the necessary preparations, and summoned his military tenants to meet at Newcastle: but the great barons disobeyed; and by their disobedience the golden opportunity was lost. Yet the king lingered for some months in the north; and the plan of invasion was exchanged for a few predatory incursions, which generally ended in the discomfiture of the aggressors. He returned
 A. D. 1317. to the south to receive the two cardinals Joscelyn d'Ossat and Luca de Fieschi, the legates of John XXII., who had lately ascended the papal throne; and hoped to distinguish the commencement of his pontificate by terminating the destructive war, which had now raged for more than ten years between England and Scotland. The legates brought with them letters of exhortation to each prince, and a bull in which the pope of his own authority proclaimed a truce to last for two years, as a
 July preparatory step to a permanent peace. Edward, having consulted a great council, submitted respectfully to a mandate, which it is probable that he had secretly procured; and the royal orders for the suspension of hostilities were immediately issued. The cardinals sent

to request a safe conduct from Bruce, who had now returned to his dominions, and waited at Durham for his answer*. After much difficulty and many affected Sept. delays, the messengers were admitted into the royal 1. presence. Bruce listened with apparent respect to the exhortation from the pontiff, but refused to open the letters from the legates, because they were addressed to "The noble lord, Robert de Brus, the ruler of Scotland." The messengers observed, that while a controversy was pending, it became not the holy see to give to either of the parties a title, which might prejudice the right of the other. "But you give me," replied Bruce, "a title which prejudices my right. I am a king, and acknowledged for a king by foreign powers. I can receive no letters which are not directed to me as a king, nor can I give an answer to your request till I have consulted my parliament. You shall hear from me after the feast of St. Michael †." The legates returned to London, and long after the appointed time received an answer, signed by Bruce, his earls and barons, and stating that till he was acknowledged king of Scotland he should decline entering into any negotiation either with them or their messengers ‡. Mortified by this refusal, they published with due solemnity

* They went to Durham in company with the lord Henry Beaumont and his brother Louis, bishop elect of Durham. Between Rushyford and Ferry-hill, about six leagues from Darlington, they were suddenly attacked by a band of robbers, who had concealed themselves in the wood of Asahe. The cardinals lost all their property, but were allowed to go forward: the Beaumonts were retained in captivity till they had paid exorbitant ransoms. Rym. iii. 663. 666. 669. Ang. Sac. i. 738. Gilbert de Middleton, the captain of the robbers, on account of the arrest of his cousin Adam de Swinburn, had called to his standard a number of outlaws and adventurers, and plundered with impunity the counties of Northumberland and Durham. He was afterwards taken in the castle of Mitford by treachery, and suffered the death of a traitor in London. Scala Chron. in Lel. Coll. ii. 548. Parl. Writs, ii. App., p. 118. Abbrev. Placit. 329. rot. 112. Middleton's chattels were valued at £2615 12s. 4d., his lands at £23 1s. 4d. per annum. Ibid.

† Rym. iii. 661. 663.

‡ Ibid. 798. The object of this bull has been mistaken by lord Hailes. It empowers the cardinals to continue the process, though their legation had expired. It contains historical particulars, not to be found elsewhere.

the papal truce in London, and ordered Adam Newton, guardian of the friars minors in Berwick, to notify its publication to the Scots. Newton executed his commission with some art. He obtained a safe conduct to Old Cambus, where the Scots were employed in making
 Dec. 16. preparations for the siege of Berwick. Bruce refused to see him, or to receive his letters; but he took the opportunity to proclaim the truce with a loud voice in the midst of the multitude which surrounded him. He was instantly ordered to depart; his petition for a passport was refused; and before he had gone far he was seized by four men, who robbed him of his letters, stripped him to the skin, and bade him farewell. The friar however pursued his way to Berwick, and gloried in having fulfilled the object of his mission*.

A. D. In defiance of the papal truce the Scots persevered in
 1318. their attempt to reduce Berwick. It was not probable
 Mar. that they could make much progress in the depth of
 28. winter: but the citizens harboured a traitor of the name of Spalding, who entered into a correspondence with the enemy, and betrayed to them the post where he kept guard. The town was taken by surprise; and after a few days the castle surrendered†. The fall of Berwick was followed by the reduction of Wark, Harbottle, and
 May. Mitford: Northallerton, Boroughbridge, Scarborough, and Skipton, were burnt; and Ripon would have experienced the same fate, had it not been redeemed by
 July. the payment of a thousand marks. Irritated by these proceedings, the cardinals solemnly declared that Bruce and his associates had incurred the sentence of excommunication, previously fulminated against those who
 Aug. should violate the truce; and taking leave of Edward,
 25. returned to the papal court at Avignon‡.

A. D. It was evident that Bruce owed the success which had
 1319. so long attended his arms, not to any superior prowess or skill, but to the dissension which continued to rage

* Rym. 683. 798.

† Wals. 111. Moor. 594. Barb. 347.

‡ Rym. 707. 799. 800. 858.

between Edward and his barons. The king was employed in an endless struggle to free himself from the restraints imposed on him by the ordainers: the barons, bound to each other by oaths and pledges, sought to overcome his obstinacy by refusing to join him in the field, or to attend on him in parliament; and the retainers on both sides, animated with the hostility of their leaders, indulged in acts of mutual aggression. But the loss of Berwick opened the eyes both of Edward and of his opponents to the disastrous consequences of their quarrel. The chancellor, by order of the king, repeatedly visited the earl of Lancaster; by mutual consent commissioners were appointed; and at last in a meeting at Leek a plan of reconciliation was adopted. In consequence a parliament was held in York, in which it was enacted ^{Aug.} 9. that the ordinances should be maintained in their primitive form without any qualification; all offences on ^{Oct.} 20. both sides were forgiven; to the great officers of state were added as members of the council certain peers, of whom two bishops, one earl, and one baron, with a baron or banneret, the representative of Lancaster, should in rotation wait on the king; of the grants made by him many were reduced in amount, on the ground that the remuneration given exceeded in value the service received; and several members of the royal household, under the pretext of incapacity or peculation, were removed from their respective appointments*. There can be little doubt that in these proceedings more attention was paid to the interests of party than to the claims of justice: but by mutual concession harmony was restored; Lancaster and his friends were mollified by the recent acquiescence and apparent sincerity of the king; ^{May} 6. and the barons without distinction of party attended him in parliament at York, and from York accompanied him ^{July} 25. with their retainers as far as Berwick. That town was immediately invested by the army, and defended by the

* Rot. Parl. Anno 12 Edw. II. Parl. Writs, ii. App. 126--32.

Stewart of Scotland with a numerous garrison. Bruce hastened to raise the siege: but despairing of success, Sept. 4. despatched fifteen thousand men under Randolf and Douglas to surprise the queen Isabella at York, and to ravage the country. They failed in the first object: but their devastations were so extensive, that the archbishop, Sept. 20. at the head of the posse of the county, ventured to oppose them at Boroughbridge. He was defeated; and three hundred clergymen, ten times that number of laymen, fell by the sword, or perished in the river. The disastrous intelligence soon reached the camp before Berwick, and the former dissensions were revived. The barons of the south proposed to continue the siege: but Lancaster with his friends departed; and Edward, weakened by their absence, made a fruitless attempt to intercept the Scots in their return. Wearied out with repeated failures, he began to wish for peace; while his adversary was not less anxious to be reconciled with the court of Rome. The first proposal for a negotiation came from Scotland: the demand of the regal title was A. D. 1320. waived; and a truce for two years was concluded between "Edward king of England and sir Robert de Jan. 1. "Brus for himself and his adherents*."

This suspension of hostilities was employed by the king of Scotland in an attempt to make his peace with Apr. the holy see. A parliament was assembled at Aber- 6. brothick, and a common letter, signed by eight earls and thirty-one barons in the name of the commonalty of Scotland, was sent by the royal messengers to the pontiff. This instrument stated that the Scots had settled in the north of Britain about twelve hundred years after the passage of the red sea, and had been converted to the faith by the preaching of the apostle St. Andrew; that they had always enjoyed their independence till Edward I. had seized the opportunity to impose on them the yoke of England, at a moment when their

* Parl. Writs, ii. 522. 5. Wals. 112. Ford. xii. 37. Rym. iii. 806. 809.

throne was vacant; that they had since been freed from the English yoke by Robert de Brus, whom the divine providence, the legal succession which they were determined to maintain, and their due and unanimous consent had raised to the throne: but that, were he to abandon them, they would treat him as an enemy, would choose another king, and defy the whole power of England as long as a hundred Scots remained alive. Liberty was their object; and liberty, no good man would wish to survive. Having thus in the most forcible language declared their resolution, they request the pontiff to employ his influence with the king of England, and advise him to be content with his own dominions, which once were deemed sufficiently ample for seven kings; and to leave to the Scots their own barren soil, the most remote of habitable lands, but which was dear to them, because it was their own, and which it was their only object to possess in peace. They then conclude in these words:—

“Should, however, your holiness give too credulous an ear to the reports of our enemies, and persist in favouring the pretensions of the English, we shall hold you responsible before God for the loss of lives, the perdition of souls, and every other calamity which must arise from the continuance of the war between the two nations. As far as our duty binds us, we are your obsequious children: to you, as to the vicegerent or God, we shall yield that obedience which is due: but to God, as the Supreme Judge, we commit the protection of our cause. We cast all our care upon him, confident that he will enable us to ‘*do valiantly, and will tread down all our enemies*’*.”

This letter convinced the pontiff that the cause of Edward was desperate. He treated the envoys with kindness, and at their request consented to suspend the process against the king of Scotland for twelve months,

* Ford. xiii. 2, 3. Anderson, Diplom. Scot. Tab. lii.

and afterwards for an additional half year. To the king of England he wrote a letter of advice, and earnestly exhorted him to improve the present opportunity, and conclude a useful and lasting peace. Edward assented: Sept. 15. commissioners from the pope and king of France were appointed to attend the congress; and hopes were confidently entertained of a favourable result. But the conferences, if any were held, proceeded slowly: the king of England was too much occupied with the rebellion of his barons to attend to other concerns; and Bruce expected to obtain better terms by aiding the rebels than by treaty with the sovereign *."

It was the singular fate of Edward that either he could not live without an unworthy favourite, or could not admit another to his friendship without wounding the arrogance of his barons. Lancaster had formerly A. D. 1318. obtruded on the king one of his own followers to fill the A. D. office of chamberlain. The young man, whose name 1321. was Hugh Spenser, by his talents and assiduity soon acquired the esteem of his sovereign: the disposal of the royal favours was by degrees intrusted to his discretion: and his marriage with a daughter of the late earl of Gloucester gave him possession of the greater portion of the county of Glamorgan. His growing opulence awakened the jealousy of his former superiors. He was described as haughty, covetous, and ambitious; epithets, which in the mouths of those who applied them, may perhaps only prove, that, as he had devoted himself to the service, he had been rewarded by the gratitude, of his prince. It chanced that John de Mowbray had taken possession, without asking the royal license, of an estate belonging to his wife's father, and contiguous to the lands of the favourite. He pretended that he had only availed himself of the liberty of the marches; Spenser maintained that for the omission the fief was by law forfeited to the crown. The lords of the marches

immediately associated for the defence of their common rights. Edward forbade them to commit any breach of Mar. the peace, and commanded their leader, the earl of Hereford, to attend the council. But he required that Apr. the favourite should be previously committed to the custody of the earl of Lancaster till the next parliament; and on the king's refusal, placed himself at the head of the marchers, who with eight hundred men at arms, five hundred hobblers, and ten thousand footmen, entered the lands of the favourite, reduced his ten castles, and burnt, destroyed, or carried off all the property on his twenty-three manors. After this exploit they marched into Yorkshire, and claimed the protection of Lancaster, the fomentor and patron of every faction. An indenture, binding the parties to prosecute the two Spensers, father and son, till they should fall into their hands, or be driven into banishment, and to maintain the quarrel to the honour of God and holy church, and the profit of the king and his family, was signed on the one part by the earl of Hereford and the lords of the marches, on the other by the earl of Lancaster and thirty-four barons and knights. The elder Spenser, whose fate was thus connected with that of his son, was one of the most powerful barons, far advanced in age, whose only crime seems to have been his near relationship to the favourite, and his influence in the king's council. Lancaster led the confederates towards the capital, allowing them to live at free quarters on their march, and to plunder the estates belonging to the elder Spenser*. From St. Alban's he sent

* I will add the estimate of their losses delivered to parliament by the two Spensers, that the reader may form some idea of what constituted the wealth of a nobleman at these times.

The elder Spenser.—His crop in the barn, and that on the ground: 28,000 sheep; 1000 oxen and heifers; 1200 cows, with their calves for two years; 40 mares; 160 cart-horses; 2000 pigs; 300 goats; 40 tuns of wine; 601 fitches of bacon; 80 carcasses of beef; 600 of mutton in the larder; 10 tuns of cider; arms and armour for 200 men.

The younger.—40 mares, with their issue of two years; 11 stallions; 160 heifers; 400 oxen; 500 cows, with their calves for two years; 10,000

a message to Edward, requiring the banishment of the father and son, and an act of indemnity for the confederate barons. The king replied with spirit, that the elder Spenser was beyond the sea employed in his service, the younger with his fleet, guarding the cinque ports; that he would never punish the accused before they had an opportunity of answering their accusers; and that it was contrary to the obligation of his coronation-oath to pardon men who disturbed the tranquillity of his kingdom*.

The parliament was now sitting at Westminster; and Lancaster advancing to London, cantoned his followers in the neighbourhood of Holborn and Clerkenwell. The confederates spent a fortnight in secret consultations.

Aug. 19. At length they proceeded to Westminster, filled the hall with armed men, and, without informing the king of their intentions, ordered a paper to be read. It was an act of accusation against the Spensers, consisting of eleven counts†, and charging them with usurping the royal power, estranging the king from the great lords, ap-

sheep; 400 pigs; arms and armour for 200 men; his crop on the ground: provisions for his castles, as corn, wine, honey, salt, salt meat, and salt fish; the rents of his tenants, amounting to 1000*l.*, and the debts due to him to the amount of 3000*l.* See Rot. Parl. iii. 361—363.

* Wals. 113, 114. Moor, 595. Ad. Murim. 55.

† The first count recited a writing made by the younger Spenser, and conceived to teach treason. As it is curious, I will translate it. "Homage and oaths of allegiance regard the crown more than the king's person. and bind more to the crown than to the person; and this appears from the fact, that before the crown descends to any one, no homage is due to any person. Hence in the case that the king is not guided by reason in exercising the rights of the crown, his lieges are bound by their oath to the crown, to bring back the king and the state of the crown by reason, otherwise the oath would not be kept. The question then remains how the king is to be brought back: by suit of law, or by force? By suit of law no man can do it; for he can have no other judges but those appointed by the king: and of course, if the will of the king be not conformable to reason, the error will be maintained and confirmed. It follows then, that, to keep the oath of allegiance, when the king will not redress grievances, and do away what is bad for the people and dangerous for the crown, it must be done away by force: for by their oaths both the king is bound to govern his people, and his lieges are also bound to govern in aid of him, and his default." Statutes of Realm, 182. Rot. Parl. iii. 363. That the barons should declare this doctrine to be treasonable, is strange, since they themselves, at the very moment, were acting upon it.

pointing judges, who did not know the law, advising unconstitutional measures, and requiring fines from all persons who solicited grants from the crown; and concluded with these words: "Therefore we, peers of the land, earls and barons, in the presence of our lord the king, do award, that Hugh le Despenser the son, and Hugh le Despenser the father, be disherited for ever, and banished from the kingdom of England, never to return, unless it be by assent of the king, and by assent of the prelates, earls, and barons, in parliament duly summoned; and that they quit the realm by the port of Dover before the next feast of St. John the Baptist; and that if they remain in England after that day, or ever return, they be dealt with as enemies of the king and kingdom." Against this sentence the prelates protested in writing: but the king and the barons of his party, intimidated by the armed men in attendance, gave their assent; the banishment of the two Spensers was duly entered on the rolls; and a general pardon was granted to the earl and his associates, for all trespasses committed by them or their followers since the month of February *. Aug. 20.

The king felt the indignity which had been offered to his authority, and two months did not elapse before he had the opportunity of revenging it. The queen, on her way to Canterbury, proposed to lodge during the night in the royal castle of Leds. The custody of the castle had been intrusted by Edward to the lord Badlesmere, a man who had lately betrayed to the confederates the secrets of his master, and by their means had obtained a special pardon for his transgressions †. He was absent; but the lady Badlesmere refused admission to the queen; and during the altercation several of the royal attendants were killed. Isabella complained loudly of this insult: the chivalrous feelings of the nation were aroused; and the king found himself in a condition to demand and Oct. 13.

* Statutes, 181. Rot. Parl. i. 364. Parl. Writs, ii. App. 163-7.

† Rym. iii. 890. Parl. Writs, ii. 163.

enforce redress. Badlesmere avowed the act of his wife, and the lords of the marches advanced to his assistance, but Edward took the castle, hanged Colepepper the governor and eleven of his knights, sent the others to different prisons, and confined in the Tower the lady Badlesmere and her female attendants*.

This act of vigour infused new life into the king's friends. Many came forward with the offer of their services; and the two Spensers successively returned to England. The younger, in obedience to the law, surrendered himself a prisoner; but at the same time presented a petition that the judgment against him might be reversed, 1. Because he had been neither appealed in court, nor allowed to answer; 2. Because the whole process had been contrary to the form of the great charter; and, 3. Because he had been condemned by men who, in defiance of the king's writ, had come to parliament with arms in their hands. Edward referred the petition to the consideration of the prelates, who were then assembled in convocation, and requested their advice. They replied that they had always protested against the award as contrary to law, and therefore prayed that it might be repealed: the four earls of Kent, Richmond, Pembroke, and Arundel, declaring that they had assented to it through fear, joined in the petition of the prelates; and the king, supported by their opinion, gladly took the favourite and his father under the royal protection, till a parliament should assemble to repeal the award enacted against them†.

The popularity of the earl of Lancaster had been for some time on the decline. It was evident that the success of the Scots in their destructive inroads was owing to the pertinacity with which he had opposed all the measures of government. Men believed that, had he not so precipitately left the army before Berwick, the place

* Rym. iii. 897, 898. Wals. 114, 115. Moor, 595. Trokel. 52. Lei. Coll. i. 273.

† Rot. Parl. iii. 362, 363. Rym. iii. 907.

must have fallen, and that his departure had been purchased by Bruce with a present of forty thousand pounds. These charges may have been invented by his enemies : but after the reduction of the castle of Ledes, his traitorous intelligence with the Scots becomes evident from the original documents, which are still extant. He immediately summoned all the barons of his party to meet him in council at Doncaster ; and soon afterwards sent an emissary, Richard de Topcliffe, to confer with Douglas in the castle of Jedburgh. In a fortnight the truce expired : the Scots under Randolf and Douglas burst into Northumberland, and Topcliffe resumed his negotiation at Corbridge. It was at length concluded that the king of Scots, Randolf, and Douglas, with their forces, should join the earls of Lancaster and Hereford on an appointed day ; should live and die with them in their quarrel ; should protect their friends and injure their enemies ; but on no account should lay claim to any conquest within the kingdom of England ; and that on the other part the earls should never give their aid in any expedition against Scotland, but should do their best that Bruce should enjoy his dominions in peace *. In the mean time the king, aware of these proceedings, had collected his forces : the lords of the marches had taken Gloucester, but on his approach they fled to the earl of Lancaster ; who, though warned of the consequences by the king, took them under his protection. The royal castle of Tickhill was instantly besieged by the united army of the confederates. It resisted their attempts till the arrival of Edward ; when the insurgents took possession of Burton-upon-Trent, and for three days defended the bridge over the river. But the royalists passed by a ford, and Lancaster, having set fire to the town, hastily retired into Yorkshire. At Pontefract he wrote in his own name, and in the names of Hereford and his associates, to the king of Scots †, and then con-

Nov.
29.Dec.
7.Dec.
21.A. D.
1322.Jan.
16.Jan.
15.Feb.
8.Mar.
10.

* Rym. 907. 924. 938. Parl. Writs, ii. App. 195. 6.

† Rym. iii. 927,

tinued his retreat with seven hundred cavalry, in the hope of meeting the army of his allies. At Borough-bridge his progress was arrested by sir Simon Ward, and sir Andrew Harclay, the governors of York and Carlisle, who had collected a strong force on the opposite bank of the river. Hereford attempted to make his way over the bridge, but was slain by a Welshman stationed below, who through a crevice thrust his lance into the bowels of the earl. Lancaster had led his men to a ford, but they were repulsed by the archers on the opposite bank. He offered a bribe to Harclay, which was refused; and then solicited a truce till the following morning. A faint ray of hope still cheered his spirits. It was possible that the Scots might arrive during the night. But this hope was disappointed: at day-break his fate was apparent; and on receiving a summons to yield, he retired into the chapel, and looking on the crucifix, exclaimed, "Good Lord, I render myself to thee, and put me into thy mercy." The captors conducted him by water to York, and thence to his castle of Pontefract*. In general, when our kings had obtained the mastery over their refractory barons, they had been content with the feudal punishments of forfeiture and exile: but such lenity accorded not with the policy or the resentment of Edward. He could not forget the blood of Gaveston, and the indignities which he had suffered in person: and experience had taught him that he must crush the presumption, or submit to be a mere puppet in the hands of his adversaries. A more favourable moment he could not expect; for their traitorous connexion with the Scottish king had deprived them of the sympathy of the nation. The earl of Lancaster as the head of the party was selected for the first victim. He was brought before the king, six earls, and the royal

* Rym. iii. 927. 931. 934. 937—940. Knyghton, 2540. Lel. Coll. ii. 464. It was at Pontefract that on the return of Edward from the siege of Berwick the earl and his men came out of the castle, and jeered the king as he passed by. *Acclamaverunt in ipsum regem vilissima et contemptibiliter.* Rym. iii. 938. Wals. 116.

barons : of his guilt there could be no doubt ; he was told that it was useless to speak in his defence, and was condemned to be drawn, hanged, and beheaded. In consideration of his royal descent, Edward forgave the more ignominious part of the punishment, but the spectators and ministers of justice were careful to display their loyalty by heaping indignities on their unfortunate victim. As he was led to execution on a grey pony without a bridle, with his confessor, a friar-preacher, by his side, they pelted him with mud, and taunted him with the title of king Arthur, the name which he had assumed in his correspondence with the Scots*. “King of heaven,” he cried, “grant me mercy, for the king of earth hath forsaken me.” The cavalcade stopped on an eminence without the town, and the earl knelt down with his face to the east. But he was ordered to turn to the north, that he might look towards his friends ; and while he remained in that posture his head was struck off by an executioner from London†.

In the skirmish at Boroughbridge only four persons of note had fallen with the earl of Hereford : in the company of Lancaster one hundred and one knights and fourteen bannerets were made prisoners. A few, who had not yet reached their confederates, came in, and surrendered ; and about half a dozen fled beyond the sea. The king had now the whole party at his mercy. A selection was made. All the bannerets and fourteen of the knights taken in open war were condemned and executed : a few of the others, amongst whom were the two Mortimers, uncle and son, received judgment of death, which was commuted for perpetual imprisonment ; the more wealthy of the rest compounded for their estates, and gave security for their behaviour ; and the others swore allegiance, and were discharged “for charity and the love of God †.”

* Rym. iii. 926.

† Rym. iii. 926. 936. Parl. Writs, ii. App. 200—215. 237. 262. Wals. 116. Lel. Coll. ii. 464, 465. 474. From these authorities it appears that as their

From Pontefract Edward repaired in triumph to York, where the parliament had assembled. All the members were, or pretended to be, royalists; and every measure proposed by the crown was carried without opposition. The "ordinances" underwent a rigorous examination. Some were confirmed as beneficial to the nation: the rest were declared unconstitutional, and trenching on the prerogative of the crown. To prevent any future attempts similar to those of the "ordainers," it was enacted, that thenceforth no provisions made by the king's subjects, acting under any commission whatsoever, should be of force, if they affected the rights of the sovereign; and that all laws respecting "the estate of the crown, or of the realm and people, must be treated, accorded, and established in parliament by the king, by and with the assent of the prelates, earls, barons, and commonalty of the realm." At the same time the petitions of the Spensers were heard and granted; and the award against them was ordered to be struck out of the rolls, as contrary to the king's oath, and the provisions of Magna Charta. The father was created earl of Winchester, and received several of the forfeited estates as a compensation for his losses*. The son recovered his former ascendancy: but instead of profiting by the fate of Gaveston, he gloried to tread in the footsteps of that favourite, and by his ostentation and arrogance prepared the way for his own murder, and that of his royal benefactor.

The victory which Edward had gained over his domestic enemies inspired him with the hope of wiping away the disgrace of Bannock-burn, and of re-establishing his superiority over the kingdom of Scotland. With

guilt was manifest, they were condemned by the judges without trial. To intimidate their partisans, they were sent to different places for execution: but in no instance do we read of the revolting practice of embowelling and quartering. The bodies were left hanging on the gibbet.

* Brady, 140—146. Stat. of Realm, 185—190. To this parliament 24 members were summoned as representatives of south, and other 24 as representatives of north Wales (New Rym. ii. p. 484.); and again in 1326. Ibid. 649.

this view he assembled the most numerous army that England had seen for many years. But its apparent strength proved its real weakness; and the impossibility of supplying provisions for such a multitude of men disappointed the hopes of the king and the nation. The Scots as they retired swept the country before them: the English could neither overtake the flying enemy nor subsist in a desert; and Edward, after advancing as far as the Forth, was compelled to return without performing one splendid action, or achieving a single conquest. Nor was this the only disgrace. Having appointed guardians of the marches and disbanded his army, he remained in security in Yorkshire. But the Scots had formed a plan to surprise him. Riding day and night, they suddenly appeared before the abbey of Biland, where the king lay, made an attack on the knights who accompanied him, and took Henry de Sully a French nobleman, and John de Bretagne, earl of Richmond. Edward fled with precipitation to York. The Scots followed, remained till evening at the gates defying the garrison; and in their return ravaged the country without opposition*.

It was generally believed that this inroad of the Scots must have been effected with the connivance of some one holding a command on the borders; and the royal suspicion was soon fixed on Harclay, who for his services at Boroughbridge had been rewarded with the earldom of Carlisle, and made warden of the western marches. It was discovered that he had been engaged in a negotiation with the king of Scotland: when Edward invited him to his court at York, he refused to obey; and sir Henry Fitz-Hugh soon afterwards arrested him by command of the king. He was accused of having bound himself by writing and oath to maintain Bruce and his

Aug.
12.Sept.
15.Oct.
14.A. D.
1323.
Mar.
3.

* Wals. 117. Moor, 596. Barb. 385—394.—Ford. xiii. 4. To aid him in this expedition the merchants, not the parliament, granted him an additional duty on the exportation of wool and hides to last for one year. Parl. Writs, ii. App. 229

heirs on the throne of Scotland; of having agreed to name conjointly with that prince twelve persons, who should regulate the concerns of the two kingdoms; and of having induced many others to swear to the observance of this treaty. If this were true, we may conclude that Harclay's elevation had impaired his understanding, or that he had consented to become the agent of the Lancastrian faction, which, though it languished in a state of depression, had not abandoned the hope of revenge. He was degraded, and suffered in all its rigour the punishment of a traitor*.

At length the destructive war, which with a few pauses had continued three-and-twenty years, and had repeatedly involved one half of Scotland, and the northern counties of England, in bloodshed and misery, began to draw to a close. Bruce was sensible that his kingdom required a long interval of tranquillity to repair the havoc of so many campaigns; and experience had taught Edward to doubt the ultimate success of any attempt to
 May enforce his claim of superiority. The proposal was made
 30. by the Scots: Bruce consented to waive his title in the treaty; and a suspension of arms was concluded for

* Rym. iii. 983. 988. 994. 999. 1000. The judgment was in substance as follows; Whereas our lord the king, on account of the loyalty which he thought he had observed in you, Andrew Harclay, made you earl of Carlisle, and with his own hand girded you with the sword, and gave you a fee of the county, with castles, towns, lands, and tenements, to support the estate of an earl; and yet you have traitorously, falsely, and maliciously gone to Robert Bruce to maintain him in opposition to the will of the king, this court doth award that you shall be degraded, and lose the title of earl for yourself and your heirs for ever; and that you shall be ungirded of your sword, and that your spurs of gold shall be struck from your heels. And whereas you, Andrew, the liege man of our lord the king, contrary to your homage, faith, and allegiance, have traitorously gone to Robert Bruce, the mortal enemy of our lord the king, &c., this court doth award that for the same treason you shall be drawn, hanged, and beheaded—that your heart, bowels, and entrails, from which these traitorous thoughts proceeded, shall be plucked out, and burnt to ashes, and the ashes be scattered in the wind, and that your body shall be divided into quarters, and sent to Carlisle, Newcastle, York, and Shrewsbury, and your head shall be placed on London bridge for an example, that others may learn not to commit such treasons against their liege lord. Rym. 992. Parl. Write, ii. App. 262. Here bowelling and quartering are mentioned, but the reader will observe that they were not to take place whilst the victim was still alive, but after decapitation.

thirteen years between the two nations, to remain in force till the end of that term, even in the event of the death of one, or of both of the contracting parties *.

At peace with foreign nations, and with his own subjects, Edward might now hope to enjoy that tranquillity to which he had so long been a stranger. But the Lancastrian party was not extinct, nor without the hope of rising from its ashes. Among the people at large, and especially among the clergy, there existed a strong feeling in its favour. Men looked on the earl and his followers as the champions of their liberties; they revered those who had suffered, as martyrs; they circulated reports of miraculous cures wrought through their intercession. Edward and his ministers were aware of this popularity of their adversaries, and the sudden appearance of armed bands in several counties, the audacious surprisal of the castle of Wallingford by a knight of the name of Walton, and the discovery of an association to murder the elder Spenser, alarmed and sharpened their jealousy. They succeeded in preventing an attempt to liberate from prison some of the knights taken at Boroughbridge: yet one captive, Roger lord Mortimer of Wigmore, the man whose activity and resentment they most feared, had the good fortune to effect his escape. He had twice been convicted of treason, and twice owed his life to the clemency of the king. Wearied with his confinement†, he corrupted the fidelity of Girard de Asplaye, one of the officers in the Tower, who, in an entertainment which he gave to the wardens, infused a soporiferous drug into their drink. While they slept Mortimer made his way through the wall of his chamber into the kitchen of the palace adjoining: a ladder of ropes aided him to mount and descend several walls; and a boat on the edge of the water conveyed him across the Thames. There he found his servants and horses, rode to the coast of

Aug.
2.

* Rym. 1022, 1023.

† Packington says he had received information that he would be executed. *Lel. Coll.* ii. 467.

Hampshire, and embarking in a ship which was prepared for him, escaped to France. Edward, ignorant of his motions, issued different writs for his apprehension. Mortimer entered into the service of Charles de Valois, and in a short time wreaked his vengeance on the prince, who had abstained from taking his life, when it was forfeited to the law*.

Charles le bel had now succeeded his brother Philip le long on the throne of France. Of the real object of this prince in his subsequent quarrel with the king of England, it is impossible to form a correct notion: this only is evident, that he sought pretexts for hostilities, and rejected with disdain the most equitable offers. He complained that Edward had not attended at his coronation, nor done him homage for Guienne; and that his town of St. Sardos had been unlawfully destroyed by the seneschal of that duchy. The king replied that he had never been summoned to do homage; that the town of St. Sardos was notoriously within his own territories; that he was ignorant of the conduct of his seneschal, but, if that officer had done wrong, he should answer for it in the court of the duchy. At the same time he offered to do homage at an appointed day, if the French army were to be recalled from Guienne; and to refer the subject of their quarrel to the equity of the peers of France, or the arbitration of the pope. But Charles was inexorable: his army over-

A. D. 1324.
Sept. 22.

ran the Agenois; and it was only by the surrender of Reoles, the last fortress in that province, that Edmund earl of Kent, and brother to Edward, could purchase a truce for a few months†.

During this interval the pontiff employed all his influence to restore peace between the two kings. Edward, though he had made preparations for an expedition to Guienne, professed himself ready to make every

* Abbrev. Placit. p. 343. rot. 37. Rym. iv. 7. 9. 20. 22. Knyght. 2543. Moor. 596. Blande. 84.

† Rym. iv. 90. 95. 100, Wals. 120, 121.

sacrifice consistent with his honour: Charles, on the contrary, spoke of nothing but conquest, and haughtily refused to listen to any proposals. It was, however, artfully suggested to the papal envoys, that if the queen of England would visit the French court, the king might grant to the solicitations of a sister what he would withhold from an indifferent negotiator*. Edward fell into the snare: Isabella proceeded to France with a splendid retinue; and a treaty was concluded, which will remind the reader of the deception practised in the last reign with respect to the same duchy. The troops of Charles were to retire into his own territories, those of Edward to the neighbourhood of Bayonne; possession of Guienne was then to be given to the king of France, who would name a seneschal unexceptionable to both parties, and restore the province to Edward as soon as he had done homage, but would retain the Agenois till his right had been decided by the peers of France, and, if their award were not in his favour, till he had received compensation for the expenses of the war†. When this ignominious treaty was communicated to Edward, an answer was required in the course of the week: his council, anxious to avoid the blame, declined to give him advice on a subject which demanded the decision of his parliament; and the king, after some days, reluctantly approved of the conditions which had been stipulated by his wife. He now began July his journey to France to do homage at Beauvais, but was detained at Dover by sickness, and sent a messenger to Charles to account for his delay‡. Whether the dark plot which soon astonished the nations of Europe had already been formed, we have not the means of knowing: but an answer was returned, that if Edward would transfer the possession of Guienne and Ponthieu to his son, Charles, at the prayer of Isabella,

A. D.

1325.

May

31.

30.

Aug.

24.

* Rym. iv. 140.

† Rym. iv. 153—163. Parl. Writs, ii. 730.

‡ Rym. iv. 163.

would receive the homage of the young prince on the same terms on which he had consented to receive that of the father. The offer, though it bore a suspicious aspect, was accepted: the necessary resignations were made; and the young Edward, a boy of twelve years of age, after promising his father to hasten his return, and not to marry during his absence, sailed with a splendid retinue to the French coast*. But to the
 Sept. 14. general astonishment, though the ceremony was speedily performed, week after week passed away, and neither mother nor son appeared inclined to revisit England. Mortimer had joined Isabella at Paris: he was made the chief officer of her household; and it was soon publicly reported that the daughter of France and queen of England had abandoned her husband to become the mistress of a rebel and exile†.

Edward would probably have borne without regret the absence of a faithless wife: but his only son was in her company; and her court had become the great resort of his enemies. He repeatedly ordered her to return, and was repeatedly disobeyed. His letters to the king and peers of France, to the pope, to his "dame," and his "fair son," are still extant; and completely disprove the pretext by which she sought to justify her absence, her apprehensions from the hostility of Hugh
 Dec. 1. Spenser. The king affirms that such fears are a mere pretence; that she had never betrayed the least suspicion of Spenser in England; that at her departure she had taken leave of him as a friend, and during her absence had written to him letters of compliment and esteem; that since her marriage she had always been treated with honour and kindness; and that if he himself had sometimes "spoken to her words of chastisement," it was always in secret, and because she had deserved it by her follies‡. Her designs, however,

* Rym. iv. 163. 165. 168.

† Wals. 122.

‡ Rym. iv. 180. 194. 200. 210. For the gratification of the curious, I shall translate some of the letters which passed on this occasion. 1°. Letter

began to unfold themselves. Levies of troops were made in her name: the barons of the Lancastrian faction were requested to join her at her arrival in England; reports the most dishonourable to the king were circulated both at home and abroad; and orders were transmitted from the young prince to the lords

from the queen to the archbishop of Canterbury: "Most reverend father in God, we have carefully perused the letter by which you require us to return to the company of our most dear and dread lord and friend; and assure us that sir Hugh Spenser is not our enemy, but even, as you say, wishes our good. At this we marvel much: for neither you nor any one of sound mind can believe that we would abandon the company of our said lord without good and reasonable cause, and unless it were to escape the danger of our life, and through fear of the said Hugh, who has the government of our said lord and of his whole kingdom, and who would dishonour us to the best of his power, as we are certain and know from experience, though we dissembled to escape the danger. Truly there is nothing we desire so much after God and our salvation as to be in the company of our said lord, and to live and die in the same. We therefore beg of you to excuse us; for in no manner can we return to the company of our said lord, without putting our life in danger, on which account we are in greater grief than we can express." At Paris, Wednesday after Caudlemas (Apol. Ad. Orleton, 276). 2^o. The king to the queen: "Dame—Several times both before the homage and since, we have ordered you to return to us immediately, and without any excuse. But before the homage you excused yourself, because your presence was necessary for the prosecution of our concerns: and now you have sent us word that you will not come, through the danger and fear of Hugh Spenser; at which we marvel with all our might; the more so, since both you and he treated each other in so friendly a manner before us, and even at your departure you gave him promises, signs, and proofs, of certain friendship, and afterwards sent him the kindest letters, and that not long ago, which letters he has shewn to us. And truly, dame, we know, and so do you, that he has always procured for you all the honour in his power; and that since you came into our company, no evil or disgrace has ever been done to you; unless perhaps sometimes through your own fault (if you will but remember) we have spoken to you, as we ought, words of chastisement in secret, without any other severity. Neither ought you, as well on account of God and the laws of holy church, as our honour and your own, for any earthly reason to transgress our commands, much less to avoid our company. Therefore we command and charge you, that laying aside all feigned reasons and excuses, you come to us immediately in all haste." At Westminster, Dec. 1st.—3^o. From the king to the prince. After ordering him to return, and to refuse his assent to any marriage, the king adds the following postscript: "Edward, fair son, though you are of tender age, take these our commands tenderly to heart, and perform them humbly and quickly, as you wish to escape our anger and heavy indignation, and love your own profit and honour. And follow no advice contrary to the will of your father, as the wise king Solomon teaches you, and send us word immediately what you mean to do; knowing this, that if we find you hereafter disobedient to our will, we will take care that you shall feel it to the last day of your life, and that other sons shall learn from your example not to disobey their lord and father." (Rym. iv. 181. 212.)

of Guienne, in opposition to those which Edward had given as administrator for his son. Among the king's envoys to the court of France, the bishop of Exeter, a minister of irreproachable integrity, was peculiarly obnoxious to the party; and an attempt to take his ^{A. D.} life compelled him to return to England. He was fol-
 1326. lowed by the majority of those who had composed the retinue of the queen and prince, and who were now dismissed that they might not be employed as spies on her proceedings. At the same time the king of France, to distract the attention, or multiply the perplexities of the English government, sent bodies of troops to make inroads into Guienne. Edward was
 Jan. fully aware of his danger. He ordered the retailers
 3. of false news to be arrested, and all suspicious letters
 Mar. to or from foreign parts to be seized: he wrote again
 18. and in stronger terms to his son and the king of France;
 June and he at last declared war against the latter for the
 12. invasion of Guienne, and the detention of his wife and
 July of the presumptive heir of his crown*. Charles, who
 6. still affected to be ignorant of the dishonour of his sister, was at last induced, by a letter of severe but merited reproach from the pope, to dismiss her from Paris: but he had secretly prepared an asylum for her in the court of his vassal, William count of Hainault. Here all her plans were matured under the direction of Mortimer. She signed a contract of marriage between her son Edward and Philippa the second daughter of the count; a body of more than two thousand men at arms under John de Hainault was placed at her disposal; all the exiles of the Lancastrian faction crowded round her
 Sept. person; and on the twenty-fourth of September she
 24. landed with her followers at Orwell in Suffolk †.

We are told that the original projector of the invasion was Adam Orleton bishop of Hereford, who had been

* Rym. iv. 183. 193. 196. 206. 209. 211. 212. 218.

† Moor, 598. Wals. 123. Rym. iv. 231. Avesbury, 4.

deeply engaged in Lancaster's conspiracy, and had lost his temporalities as the punishment of his treason *. This wary and experienced politician founded his hopes of success on the probable co-operation of the two parties, which had hitherto divided the nation. He was secure of the aid of his former friends. A revolution alone could restore them to their estates, or furnish them with the means of revenge. The royalists, though attached to the king, were dissatisfied with the ascendancy of his favourite; and every true knight must deem it a duty to reconcile with her husband a young queen, who had been driven from the court by the insolence of an upstart. The ulterior designs of the conspirators were carefully concealed; and the apparent integrity of their professions seduced many from their allegiance. Of the envoys whom Edward had sent to France, his brother the earl of Kent, his cousin the earl of Richmond, the lord Beaumont, and the bishop of Norwich, joined Isabella: though his fleet, (so well was he informed of the queen's intention), had been ordered to assemble at Orwell three days before the arrival of the enemy, it was perfidiously directed to a different port; and even Robert de Wateville, who had been despatched to oppose the invaders, ranged his forces under the banners of the queen and her son. The unfortunate monarch knew not whom to trust; and afraid to summon the military tenants of the crown, commanded the commissioners of array to come to his aid with the men of the neighbouring counties; ordered all who should be found in the invading army, with the exception of his wife, his son, and his brother, to be treated as enemies; and offered a free pardon, with a reward of one thousand pounds, for the head of Mortimer †.

Sept.
28.

Isabella, at her landing, (and it affords a strong pre-

* Moor, 596, 597. Rym. iv. 257.

† Rym. iv. 225. 231. 233. 237.

sumption that the charges against Edward and his favourites were not without foundation,) was generally hailed as the deliverer of the country. The Lancastrian lords hastened to meet her; the primate supplied her with a sum of money to pay her followers; and the king's other brother, the earl of Norfolk, with three bishops, repaired to her camp. Letters were immediately written to the remaining prelates and barons to allure them to her party, by the exposition of her views, and an exaggerated statement of her present force, and of the succours which she expected from her brother the French king. But at Wallingford proposals were heard, which alarmed the real authors of the expedition. The new comers professed themselves hostile to the Spencers, but talked of restoring the queen to her husband, and of compelling him to govern by the advice of his parliament. The principal among them were immediately summoned to a council, in which Orleton, by the command of Isabella, accused the passionate and revengeful temper of Edward, detailed several real or pretended instances of his brutal conduct to the queen, and solemnly asserted that in the present circumstances she could not return to his society without evident danger to her life*. At the same time it was determined

Oct. 15. to issue a proclamation, which, while it pointed the public hatred against the favourite, was studiously silent with respect to the intended system of government. It stated that the queen, the prince, and the earl of Kent, were come to free the nation from the usurped tyranny of Hugh Spenser, who had disinherited the crown of its rights, deprived the church of its possessions, irritated the king against his queen and his son, attainted, murdered, or exiled the great men of the realm, robbed widows and orphans of their property, and aggrieved the people by unlawful exactions. They, therefore,

* Apolog. Ad. Orlet. 9766. Her pretended fears of violence from the king were believed, and have been repeated by most of our historians.

required the assistance of every good and loyal subject, as they had no other object in view but the advantage of the church and of the realm. In addition, the emissaries, who distributed this proclamation, were instructed to inform the people that the pope had excommunicated all who should bear arms against the queen; had absolved the king's vassals from their allegiance, and had sent two cardinals to give to the undertaking the sanction of the apostolic see *.

At the queen's approach towards the capital Edward, as a last resource, threw himself on the loyalty and pity of the citizens. Their answer was cold but intelligible. The privileges of the city would not, they observed, permit them to follow the king into the field, but they would shut their gates against the foreigners, and would on all occasions pay due respect to their sovereign, his queen, and his son. Edward immediately departed Oct. 2. with the two Spensers, the chancellor Baldock, and a slender retinue; and soon after his departure the populace rose, murdered Walter Stapledon, the bishop of Exeter, took forcible possession of the Tower, and liberated the prisoners. The fugitive monarch hastened to the marches of Wales, where lay the estates of his favourite. Bristol was given to the custody of the elder Spenser, earl of Winchester; and at Caerffilly an attempt was made to raise the men of Glamorgan. Oct. 15. But the Welshmen were equally indifferent to the distress of their lord, and of their sovereign; and Edward with his favourite took shipping for Lundy, a small Oct. 16. isle in the mouth of the Bristol channel, which had been previously fortified, and plentifully stored with provisions †.

The queen was not slow to pursue her fugitive consort. As she passed through Oxford, she commanded Orleton to preach before the university. The bishop selected for his text that passage in Genesis, "I will

* Rym. iv. 236. Moor, 598.

† Ang. Sac. i. 366. Wals. 123, 124. Moor, 598—600. Rym. iv. 238.

Oct.
26.

"put enmity between thee and the woman, and between thy seed and her seed. She shall bruise thy head." These words he applied to Isabella and the Spencers: but many thought that they discovered in the sermon dark and prophetic allusions to the fate which afterwards befel the unfortunate Edward. From Oxford she hastened to Bristol; and the earl of Winchester, unable to master the disaffection of the burghers, surrendered the town and castle on the third day. His grey hairs (he had passed his ninetieth year) were not respected by his enemies; and he was accused before sir William Trussel, one of the exiles raised by Isabella to the office of judge, of having assumed an undue influence over the king, exercised the royal power, widened the breach between the sovereign and the people, and advised the execution of the earl of Lancaster. In these tumultuous times the liberty of defence was seldom allowed to a political prisoner, but the notoriety of the facts charged in the indictment was assumed as a justification of the sentence which immediately followed. The earl was drawn from the court to the place of execution, where his enemies glutted their revenge with the sight of his sufferings. He was embowelled alive: his body was afterwards hung on a gibbet for four days, and then cut into pieces and thrown to the dogs*.

At Bristol it was ascertained that Edward had put to sea; and a proclamation was immediately made through the town, summoning him to return and resume the government. This farce was preparatory to an important decision of the prelates and barons in the queen's interest. Assuming the powers of parliament, they resolved that by the king's absence the realm had been left without a ruler; and therefore appointed the "duke of Aquitaine" guardian of the kingdom in the name and by the right of his father†. Edward's evil fortune pur-

* Apolog. Ad. Orlet. 2765. Wals. 125. Lel. Coll. ii. 463.

† Rym. iv. 237.

sued him by sea as well as land. He was unable to reach the isle of Lundy; and after contending for some days with a strong westerly wind, he landed at Swansea, Nov. retired to Neath, and sought to elude the search of his 10. enemies by concealing himself in different places between that monastery and the castle of Caerfilly, held Nov. by his partisan, John de Felton. At length, Henry 17. earl of Leicester, who had lately taken the title of his Nov. attainted brother the earl of Lancaster, corrupted the 19. fidelity of the natives, and got possession of Spenser and Baldock, who were secreted in the woods near the castle of Lantressan. Edward, it is said, immediately came forward, and voluntarily surrendered to his cousin, by whom he was sent to the strong fortress of Kenilworth. *His* fate was postponed to answer the purposes of his wife: the other captives were sacrificed without mercy to the resentment of their enemies. Baldock, as a clergyman, was confined first in the prison of the bishop of Hereford, and afterwards in that of Newgate, where he sank under the rigours of his captivity; Spen- Nov. ser was arraigned at Hereford before the same judge, 24. whose hands were still reeking with the blood of his father. The offences laid to his charge form the best proof of his innocence. According to Trussel he had been the cause of every calamity which had befallen the kingdom since his return from banishment, of the failure of the king's expedition into Scotland, and of the success of the Scottish incursions into England. He had not only persecuted the earl of Lancaster and his adherents to death, but when God had demonstrated the virtue of that nobleman by the supernatural cures wrought at his tomb, he had placed guards to prevent the afflux of the people, and to suppress the knowledge of the miracles*: he had constantly fomented the dis-

* It was pretended that miracles had been wrought at his tomb, and on the hill where he was beheaded. In consequence a guard of fourteen men at arms was appointed to prevent all access to the place. Lel. Coll. ii. 466. Soon after the coronation of the young king a letter was written

sension between Edward and his consort; had hired assassins to murder the queen and the prince when they were in France; and at their return had conveyed away the king and the royal treasures against the provisions of the great charter. "Therefore," continues this upright judge, "do all the good men of this realm, lesser and greater, poor and rich, award with common assent that you, Hugh Spenser, as a robber, traitor, and outlaw, be drawn, hanged, embowelled, beheaded, and quartered. Away then, traitor: go, receive the reward of your tyranny, wicked and at-tainted traitor!" He was drawn in a black gown with the arms of his family reversed, and a wreath of nettles on his head, and was hanged on a gallows fifty feet high, amidst the acclamations and scoffs of the populace. A few yards below him suffered Simon de Reading, a faithful servant, who had always adhered to the fortunes of his master. Besides these the earl of Arundel and two other gentlemen were beheaded. They had remained neutral during the invasion, but were accused of having consented to the death of the earl of Lancaster. In the opinion of the public, their chief crime was the contiguity of their possessions to those of the queen's favourite, to whom they were granted*.

From Hereford Isabella with Mortimer and her son proceeded by slow journeys to meet the parliament at Westminster. The session was opened by a long speech from that crafty politician, the bishop of Hereford. The removal of the Spensers from the person of the king, the only ostensible object of the party, had now been effected, and it was natural to ask why Edward, in whose name the parliament had been summoned†, was

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at the request of the commons in parliament to the pope, to ask for the canonization of Lancaster, and of his friend, Robert archbishop of Canterbury. The request was not noticed. Rym. iv. 263. Rot. Parl. ii. 7.

* Knyght. 2546—2549. Moor, 600. Wals. 125. Lel. Coll. ii. 468.

† The first writs had been tested by the prince as guardian of the realm: but this supposed Edward to be absent, and other writs, proroguing the

not restored to the exercise of the royal authority. To obviate this difficulty, he painted in strong colours the vindictive disposition which it suited him to ascribe to the captive monarch, and solemnly declared that to liberate him now would be to expose to certain death the princess, who by her wisdom and courage had so lately freed the realm from the tyranny of the royal favourites. He therefore requested them to retire, and to return the next day, prepared to answer this important question, whether it were better that the father should retain the crown, or that the son should reign in the place of his father. At the appointed hour the Jan. hall was filled with the most riotous of the citizens of 8. London, whose shouts and menaces were heard in the room occupied by the parliament. Not a voice was raised in the king's favour. His greatest friends thought it a proof of courage to remain silent. The young Edward was declared king by acclamation, and presented in that capacity to the approbation of the populace. The temporal peers with many of the prelates publicly swore fealty to the new sovereign: the archbishop of York, and the bishops of London, Rochester, and Carlisle, though summoned by the justiciaries, had the resolution to refuse*.

These irregular proceedings had probably been pursued to extort from the members an assent, from which they could not afterwards recede. Though the prince was declared king, his father had neither resigned, nor been deposed. To remedy the defect, a bill of six articles Jan. 13. was exhibited against Edward by Stratford, bishop of Winchester, charging him with indolence, incapacity, the loss of the crown of Scotland, the violation of the coronation oath, oppression of the church, and cruelty to the barons. In the presence of the young prince seated on the throne these charges were read and ap-

meeting of parliament, were issued *teste rege*, though he was in reality a prisoner. Parl. Writs, ii. 350.

* Aug. Sac. i. 367.

proved; and it was resolved that the reign of Edward of Carnarvon had ceased, and that the sceptre should be intrusted to the hands of his son, Edward of Windsor.

When this resolution was reported to the queen, she acted a part which could deceive no one. With the most violent expressions of grief, she lamented the misfortune of her husband, declared that the parliament had exceeded its legitimate powers, and exhorted her son to refuse a crown which belonged to his father. To silence her pretended scruples, a deputation was appointed consisting of prelates, earls, barons, knights, citizens and burghesses. They were instructed to proceed to Kenilworth, to give notice to Edward of the election of his son, to procure from him a voluntary resignation of the crown, and, if he refused, to give him back their homage, and to act as circumstances might suggest. The bishops of Winchester and Lincoln, a secret and an open enemy, were the first who arrived. They employed arguments, and promises, and threats to obtain the consent of the unfortunate king; spoke of the greatness of mind he would display, and of the reward he would deserve, by renouncing the crown to restore peace to his people; promised him in the event of his compliance the enjoyment of a princely revenue and establishment; and threatened, if he refused, not only to depose him, but to pass by his son, and choose a sovereign from another family. When they had sufficiently worked on his hopes and fears, they led him, dressed in a plain black gown, into the room in which the deputation had been arranged to receive him. At the sight of Orleton his mortal enemy, who advanced to address him, he started back, and sank to the ground, but in a short time recovered sufficiently to attend to the speech of that prelate. His answer has been differently reported by his friends and opponents. According to the former he replied that no act of his could be deemed free, as long as he remained a prisoner; but that he should endeavour to bear patiently whatever might happen. By the latter we are

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20.

told that he expressed his sorrow for having given such provocation to his people; submitted to what he could not avert; and thanked the parliament for having continued the crown in his family. Sir William Trussel immediately addressed him in these words: "I, William Trussel, procurator of the earls, barons, and others, having for this full and sufficient power, do render and give back to you Edward, once king of England, the homage and fealty of the persons named in my procuracy; and acquit and discharge them thereof, in the best manner that law and custom will give. And I now make protestation in their name that they will no longer be in your fealty or allegiance, nor claim to hold any thing of you as king, but will account you hereafter as a private person, without any manner of royal dignity." The distressing ceremony was closed by the act of sir Thomas Blount, the steward of the household, who, as was always done at the king's death, broke his staff of office, and declared that all persons engaged in the royal service were discharged*.

In three days the deputation returned from Kenil-
 worth, and the next morning the accession of the new
 sovereign, who was in his fourteenth year, was proclaimed
 by the heralds in the following unusual form: "Whereas
 "sir Edward late king of England, of his own good will,
 "and with the common advice and assent of the prelates,
 "earls, barons, and other nobles, and all the common-
 "alty of the realm, has put himself out of the govern-
 "ment of the realm, and has granted and willed that
 "the government of the said realm should come to sir
 "Edward, his eldest son and heir, and that *he* should
 "govern the kingdom, and should be crowned king, on
 "which account all the lords have done him homage;
 "we cry and publish the peace of our said lord sir Ed-
 "ward the son, and on his part strictly command and
 "enjoin, under pain and peril of disherison, and loss of

* Moor, 600, 601. Wals. 126. Knyght. 2549. Twisden, 2550.

"life and member, that no one break the peace of our said lord the king; for he is, and will be ready to do justice to all and each of the said kingdom, both to the little and the great, in all things, and against all men. And if any one have a claim against another, let him proceed by way of action, and not by violence or force."

The same assertion, that the late king had resigned of Feb. his own free will with the consent of his parliament
1. was unblushingly repeated at the coronation of the young prince*.

Edward of Carnarvon (for so we must now call him) was destined to add one to the long catalogue of princes, to whom the loss of a crown has been but the prelude to the loss of life. The attention of the earl of Lancaster to alleviate the sufferings of his captive did not accord with the views of the queen and her paramour. He was given to the custody of sir John de Maltravers, a man who, by his former sufferings, had proved his attachment to the party. To conceal the place of Edward's residence, he successively transferred the prisoner from April Kenilworth to Corfe, Bristol, and Berkeley, and by the
4. indignities which were offered to him, and the severities which were inflicted, laboured to deprive him of his reason or to shorten his life. It was in vain that the deposed monarch solicited an interview with his wife, or to be indulged with the company of his children. Isabella had not the courage to face the husband whom she had so cruelly injured, nor would she trust her sons in the presence of their father. Though in possession of the sovereign power, she was still harassed with the most gloomy apprehensions. In several parts of the kingdom associations were known to exist for the avowed purpose of liberating the captive: her scandalous connexion with Mortimer was publicly noticed by the clergy in their sermons; and there was reason to fear that the church might compel her by censures to cohabit with her con-

sort. To prevent the last she had recourse to her usual expedient. As her son led an army against the Scots, she called an assembly of prelates and barons at Stamford, laid before them her pretended reasons for dreading April the sanguinary vengeance of her husband, and prevailed 23. on them to declare that, even if she desired it, they would not permit her to return to the society of Edward of Carnarvon*.

Thomas lord Berkeley, the owner of Berkeley castle, was now joined with sir John Maltravers in the commission of guarding the captive monarch. It chanced Sept. that the former was detained at his manor of Bradley by 21. a dangerous malady, during which the duty of watching the king devolved on two of his officers, Thomas Gourney, and William Ogle. One night, while he was under their charge, the inmates of the castle were alarmed by the shrieks which issued from his apartment: the next morning the neighbouring gentry, with the citizens of Bristol, were invited to behold his dead body. Externally it exhibited no marks of violence: but the distortion of the features betrayed the horrible agonies in which he had expired; and it was confidently whispered that his death had been procured by the forcible introduction of a red-hot iron into the bowels. No further investigation was made; and the corpse was privately interred in the abbey church of St. Peter in Gloucester†.

* Apol. Ad. Orlet. 2767. Rym. iv. 304. Moor, 601.

† Rot. Parl. ii. 52. 54. Rym. iv. 312. Knyght. 2551. Murim. 70, 71. Moor, 603. Moor ascribes the king's death to the contrivance of Orleton, but the charge is probably groundless, as he had been for some months out of the kingdom on an embassy to the papal court (Rym. iv. 276), where he was deprived of his bishopric, but at length procured in its place the see of Worcester (Ang. Sac. i. 533). On Moor's authority also it has been said that the actual murderers were Maltravers and Gourney; but, though Maltravers was condemned by the same parliament which condemned the murderers, it was for a different crime, which forms a presumption that he was innocent of this (Rot. Parl. ii. 53). According to the judgment of the house of peers in 1330, Mortimer commanded (he confessed it before his death, *ibid.* 62), Gourney and Ogle perpetrated, the murder. Mortimer suffered death; the other two had fled out of the kingdom; but a reward of 100*l.* was offered for the apprehension, or of 100 marks for the head, of Gourney, and another reward of 100 marks

The first Edward had been in disposition a tyrant. As often as he dared, he had trampled on the liberties, or invaded the property of his subjects; and yet he died in his bed, respected by his barons, and admired by his contemporaries. His son, the second Edward, was of a less imperious character: no acts of injustice or oppression were imputed to him by his greatest enemies; yet he was deposed from the throne, and murdered in a prison. Of this difference between the lot of the father and the son the solution must be sought in the manners and character of the age. They both reigned over proud and factious nobles, jealous of their own liberties, but regardless of the liberties of others; and who, though they respected the arbitrary sway of a monarch as haughty and violent as themselves, despised the milder and more equitable administration of his successor. That successor, naturally easy and indolent, fond of the pleasures of the table and the amusements of the chase, willingly devolved on others the cares and labours of government. But in an age unacquainted with the more modern expedient of a responsible minister, the barons considered the elevation of the favourite as their own depression, his power as the infringement of their rights. The result was what we have seen, a series of associations, having for their primary object the removal of evil counsellors, as they were called, from the person of the prince, but gradually invading the legitimate rights of the crown,

for the apprehension, and of 40*l.* for the head, of Ogle (Rot. Parl. ii. 54). What became of Ogle, I know not; Gourney fled into Spain, and was apprehended by the magistrates of Burgos. At the request of the king of England, he was examined by them in the presence of an English envoy. What disclosures he made were kept secret; but we may suppose that they implicated persons of high rank, as the messengers who had him in charge received orders to behead him at sea on his way to England (Rym. iv. 488, 489, 490, 491). With respect to Lord Berkeley, he was tried at his own demand before a jury of knights, and acquitted. The king, however, ordered him to be put under the custody of sir Ralph Nevill, till the next parliament, for having placed officers of a bad character near the person of his father (Rot. Parl. ii. 57). But in that parliament, at the request of the lords, he was permitted to be at large, till the truth could be learned from Gourney, *who was still alive*, but not yet arrived from Spain (Rot. Parl. ii. 62). From these words it is probable that Ogle died before the capture of Gourney.

and terminating in the dethronement and assassination of the sovereign. For the part which Isabella acted in this tragedy no apology can be framed. The apprehensions of danger to her life, under which she attempted to conceal her real purposes, were of too flimsy a texture to blind the most devoted of her partisans : nor could she palliate her adulterous connexion with Mortimer by retorting on her husband the charge of conjugal infidelity *. In a few years her crime was punished with the general execration of mankind. She saw her paramour expire on a gibbet, and spent the remainder of her life in disgrace and obscurity.

I must not close this account of Edward's reign without noticing the abolition of the knights templars. That celebrated order was established in 1118 by the patriarch of Jerusalem, and originally consisted of nine poor knights, who lived in community near the site of the ancient temple, and took on themselves the voluntary obligation of watching the roads in the neighbourhood of the city, and of protecting the pilgrims from the insults of robbers and infidels †. By degrees their number was surprisingly augmented : they were the foremost in every action of danger : their military services excited the gratitude of christendom ; and in every nation legacies were annually left, and lands successively bestowed on the templars. But wealth and power generated a spirit of arrogance and independence which exasperated both the civil and ecclesiastical authorities. As long indeed as the knights were usefully employed against the infidels their enemies were silent : but after their expulsion from the holy land, they indulged in indolence and luxury, and reports the most prejudicial to the reputation of the order began to be circulated and credited. Philip le bel had repeatedly denounced it to the pope Clement V. ; 1307. and at last, impatient of delay, ordered all the knights A. D. Oct. 12. in his dominions to be arrested, and on examination ob-

* Moor, 601.

† Wil. Tyr. xii. 7.

tained from many a confession of the most shocking and infamous practices. Clement was dissatisfied with the precipitance of the king: but to stay the proceedings would have been to proclaim himself the protector of guilt, and he therefore reserved the future prosecution of the inquiry to the apostolic see. In different bulls addressed to the sovereigns of christendom he detailed the charges brought against the order, of profligacy, idolatry, and apostacy; requested that the knights in their respective territories might be placed in confinement; and appointed judges to inquire into their guilt or innocence *. In England and Ireland they were all apprehended on the same day, and kept in safe but honourable custody †. The process against them lasted for three years; and, if it be fair to judge from the informations taken in England, however we may condemn a few individuals, we must certainly acquit the order‡. The result of the inquiries made in the different countries was laid before the pontiff in the council of Vienne; and after much deliberation he published a bull, suppressing the institute, not by way of a judicial sentence establishing its guilt, but by the plenitude of his power, and as a measure of expediency rather than of justice §. That the property of the templars might be still preserved for the purposes for which it had been originally given, it was determined to transfer it to the knights hospitallers: but, when the papal bull, containing this ordinance, arrived in England, Edward suspended its execution for more than a year; and, if he at last assented, it was not till he had made a protestation that

A. D.
1308.
Jan.
10.

A. D.
1312.
Mar.
22.
May
2.
Aug.
1.

* Rym. iii. 30. 301.

† One of the king's clerks was sent to the sheriff of each county with an order for him to take a certain number of good and lawful men, and with them to swear to execute the sealed orders which the bearer should deliver to him. These were then opened, and authorized the arrest of the templars. Rym. iii. 34. 43.

‡ The whole process may be seen in Wilkins, ii. 329—400.

§ Non per modum diffinitivæ sententiæ, cum eam super hoc secundum inquisitionem, et processus super his habitos non possemus ferre de jure, sed per viam provisionis seu ordinationis apostolicæ. Rym. iii. 323.

he did it for objects of national utility, and without abandoning his own right or the right of any of his subjects to the possessions in question *. Eleven years later he consulted the judges, who replied that by the law of the land all the possessions of the templars had reverted as escheats to the lords of the fees; and immediately an act of parliament was passed, assigning them to the hospitallers, for the same purposes for which they had been originally bestowed on the templars †.

A. D.
1313.
Nov.
24.

A. D.
1324.

* Rym. iii. 451. 457. The king had ordered that the master of the templars in England should be allowed two shillings per day, the other knights four pence per day for their support out of their former property. Rym. iii. 327. 349. 472.

† Stat. of Realm, 194.

NOTE (A.) P. 188.

It has been pretended that, in order to give a false impression to future ages of what took place on this occasion, the record preserved in the Close Rolls was falsified by the order, or with the approbation, of Edward. (Allen, *Vindication of the independence of Scotland*, 15. 87.) The supposed falsification consists in this, that part of the original entry has been erased, and on the erasure has been substituted the following passage: "Et illud (homagium) ei fecit in hæc verba. Ego Alex. Rex Scot. devenio ligius homo dni Edwardi Reg. Angl. contra omnes gentes. Et idem Rex Angl. homagium ejusdem R. Scot. recepit."

In ordinary cases, all that could be inferred from such erasure and substitution, would be that the clerk, in making the original entry, had committed an error, which on detection had been erased and rectified. Why should it not be so in the present case? What is there in this correction, that should induce us to stamp it with the charge of falsification, and deliberate forgery? It is answered that according to the information given to the pope by the Scots, Alexander, when he did homage for the lands in Tynedale and at Penrith, publicly protested that his homage was not for the kingdom of Scotland, for which he owed no fealty to the king of England (New Rym. 907): whence it is insinuated, that the original entry contained a notice of such protestation, which has since been erased, that a profession of liege homage might be substituted in its place.

Now this reasoning pre-supposes two things; first, that the representation of the Scots to Boniface was correct; secondly, that the homage of which they spoke was that homage which the record professes to describe. But 1°. If *they* deny that Alexander did homage for his kingdom, Edward in his answer to the pope as positively asserts it. "Patri nostro pro regno Scotiæ, et postea

"nobis, homagium fecit." (N. Rym. 933.) The negation on the one part is neutralized by the affirmation on the other. 2°. What proof is there that the homage, of which the pope speaks, was the same homage to which the record refers? Alexander did homage to Edward twice, first at the coronation of that monarch in the second year of his reign, and afterwards in his parliament at Westminster in the sixth year of his reign. Now the Close Roll has preserved the record of the latter homage; the letter of the pontiff refers in all probability to the former: for without the performance of homage to the new monarch for the lands in England, those lands and their profits would have been seized by the crown.

But we can go still further, and show that the homage in the letter of the pope is not the homage in the record, and that the record in its corrected form is a faithful representation of what actually took place. Fortunately a letter has been preserved from Edward to the chancellor and Otto de Grandison of the date of 1st March, 1278, in which he informs them, as a matter of joyful intelligence, that the king of Scots had offered to do homage *without any condition annexed* to it, that he (Edward) had appointed for that purpose a day at London, a fortnight after Michaelmas, and that he expected them to be present, and to witness it. "Et dilectus frater
"et fidelis noster Alexander, Rex Scociæ illustris, hñs
"temporibus per suos solempnes nuncios, quos ad nos
"transmisit, homagium suum nobis debitum nobis *absque*
"*conditione aliqua* optulit et tetendit, &c." (N. Rym. i. 554.) As early as the 12th of June Edward published an order to all his bailiffs and officers to attend upon the king of Scots and his retinue at his requisition, whenever he passed through their respective bailiwics for five months, from three weeks before Michaelmas till the purification (Ibid. 554); and on the 15th of September another order to the same, enjoining them to prevent any undue rise in the price of provisions in the markets of those places through which the king of Scots should pass. (Ibid. 562.) At length Edward was gratified. Alexander arrived, attended the parliament, and, according to his promise, performed homage on the appointed day.

Hence it is plain that Alexander came to do homage simply, *absque conditione aliqua*, therefore not with the protestations and reservations detailed in the letter of Boniface, but to do it exactly in the manner related in the record, by becoming the liege man of Edward against all manner of men, without salvo or reservation. The agreement of the entry on the erasure in every point with the previous announcement of the king in his letter to his two ministers, is a sufficient refutation of the charge of forgery.

I may add that this form of unconditional homage appears in reality to have been a compromise between Edward and his brother-in-law. If it did not state that the homage was done for the crown of Scotland, it did not state that it was done for anything else. It was not, however, sufficient to include that crown; and therefore the record proceeds to state that Edward received it, "saving his right and claim to homage for the kingdom of Scotland, when it shall please him to bring it forward." (*Ibid.* 563.) With this statement existing on the record that he had not received homage formally for the crown of Scotland, how could he possibly falsify the preceding lines to persuade future ages that he had?

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